

State of Iowa

69th General Assembly

1981 Session

APPROPRIATIONS REPORT 1981-83 BIENNIUM

INCLUDING ENROLLED BILLS

Virginia Sheffield
Legislative Fiscal Bureau
August, 1981



GERRY D. RANKIN
DIRECTOR
515/281-5279

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA

LEGISLATIVE FISCAL BUREAU

August 1, 1981

Members of the 69th G. A. of Iowa
and Other Interested Citizens:

Before the appropriations process could begin in January, 1981, it was necessary for the General Assembly to review the allocation reductions ordered by the Governor for the 1980-81 fiscal year and make additional appropriation reductions on their own. Subsequent to that, the appropriations process for the Biennium beginning July 1, 1981, was begun. The Legislative Fiscal Bureau is responsible for providing both fiscal and program information to the members of the General Assembly to assist them in their decision-making process.

The purpose of the Appropriations Report - 1981-83 Biennium is to assist legislators, state officials, and others locate and understand the action of the General Assembly. The Report draws together the appropriations and Ways and Means actions into a meaningful and organized fashion. I think this is a useful and reasonably comprehensive reference; I hope you will find it so. If you have additional and more detailed questions, I invite you to contact and visit with my staff.

The following page outlines the staff's area of responsibility, and the phone numbers at which they can be reached. I also invite you to comment on how we can make this document more useful or relevant to you.

It is my sincere hope that this document will be of assistance to you.

Yours very truly,

Gerry D. Rankin
Director

S I A F E A S S I G N M E N T S

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Appropriations Subcommittee on Human Resources and
Ways and Means Committees unassigned

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Legislative Program Evaluation

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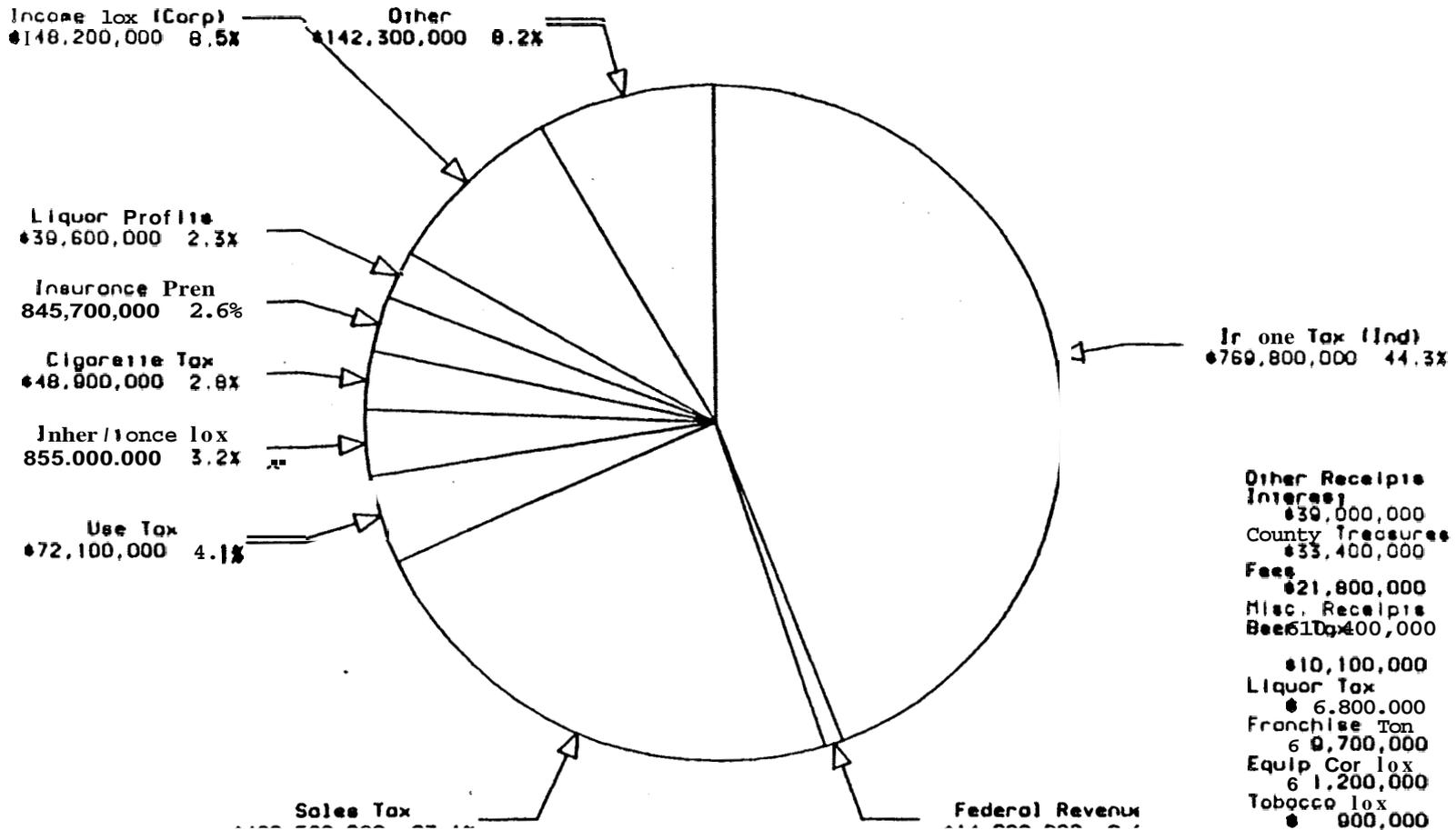
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FISCAL INFORMATION This section contains summaries of General Fund receipts and appropriations, as well as financial information on departmental/agency appropriations arranged alphabetically for each fiscal year according to the appropriations subcommittee to which the department/agency is assigned.	1
APPROPRIATION BILL SUMMARY This section contains summaries of the appropriations made during the 1981 session. The departments and agencies are arranged alphabetically, and are referenced to the fiscal information section of the report.	25
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FISCAL INFORMATION

Fiscal Year 1981 General Fund Receipts

Actual Receipts

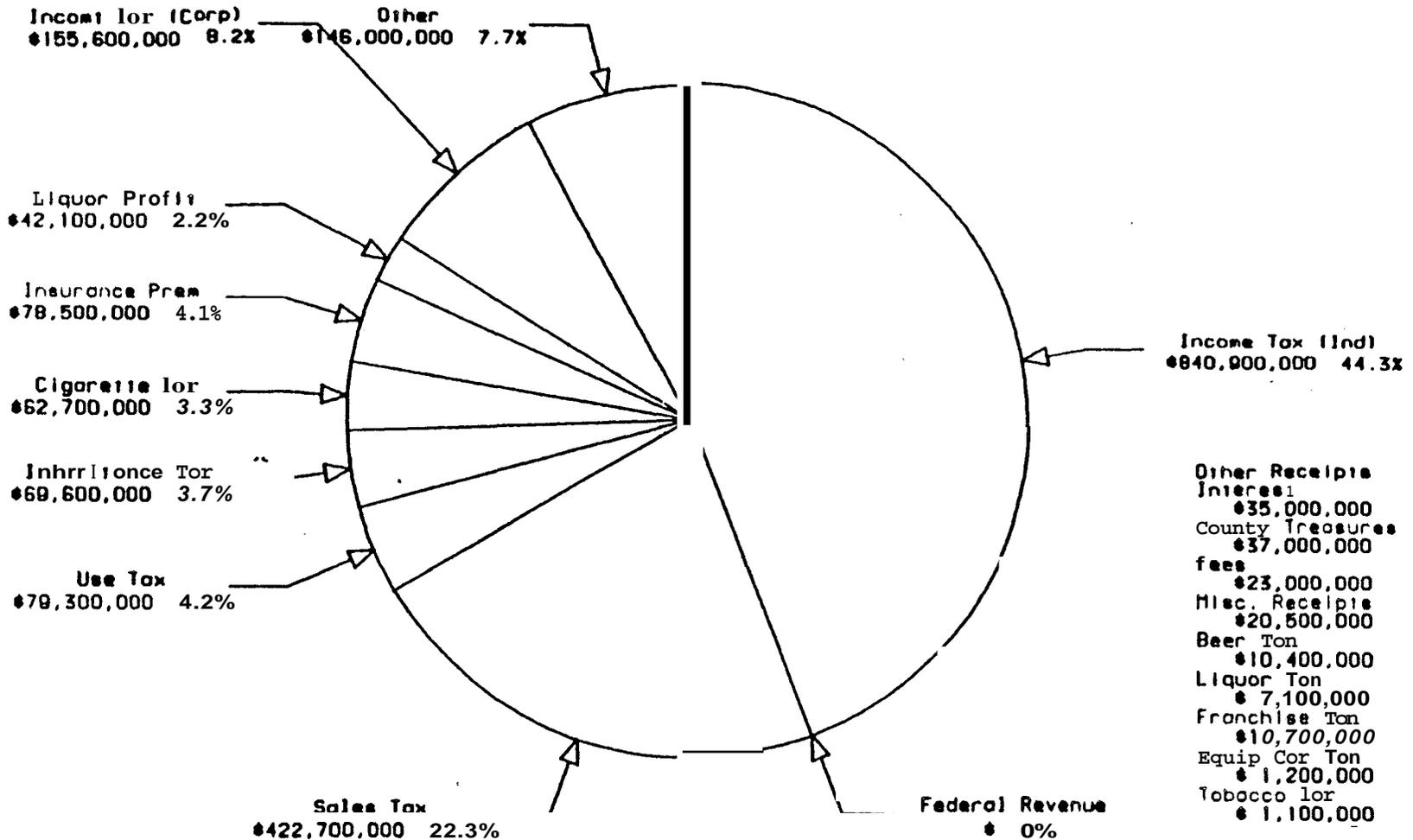
Total \$1,738,700,000



Fiscal Year 1982 General Fund Receipts

Estimated as of June 30, 1981

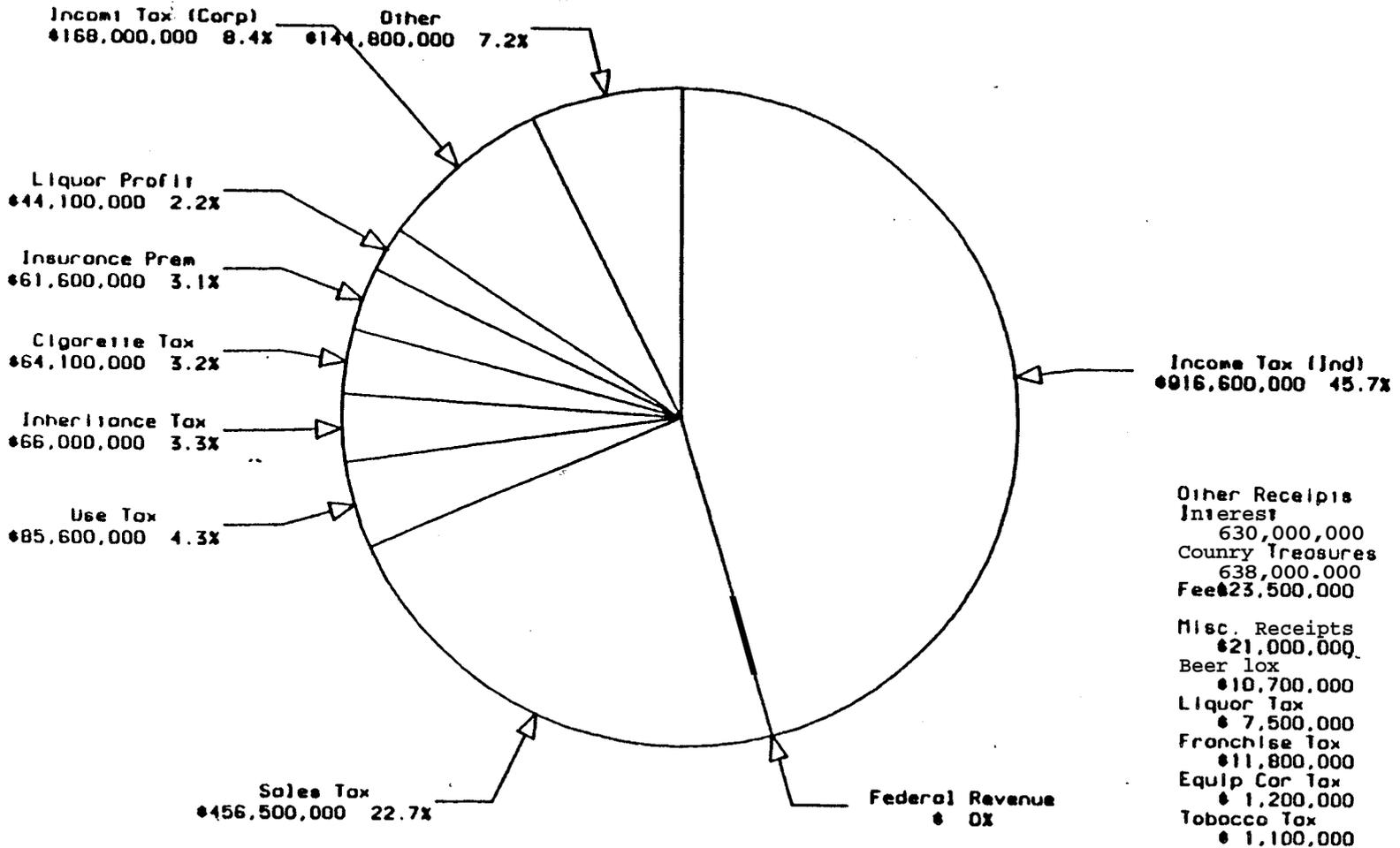
Total \$1,897,400,000



Fiscal Year 1983 General Fund Receipts

Estimated as of June 30, 1981

Total 02,007,300,000



General Fund Appropriations

Fiscal Year 1982

Total \$1,910,160,378

Regulatory & Finance
\$474,827,580 24.0%

Social Services
\$215,590,000 11.3%

Human Resources
\$14,528,729 0.8%

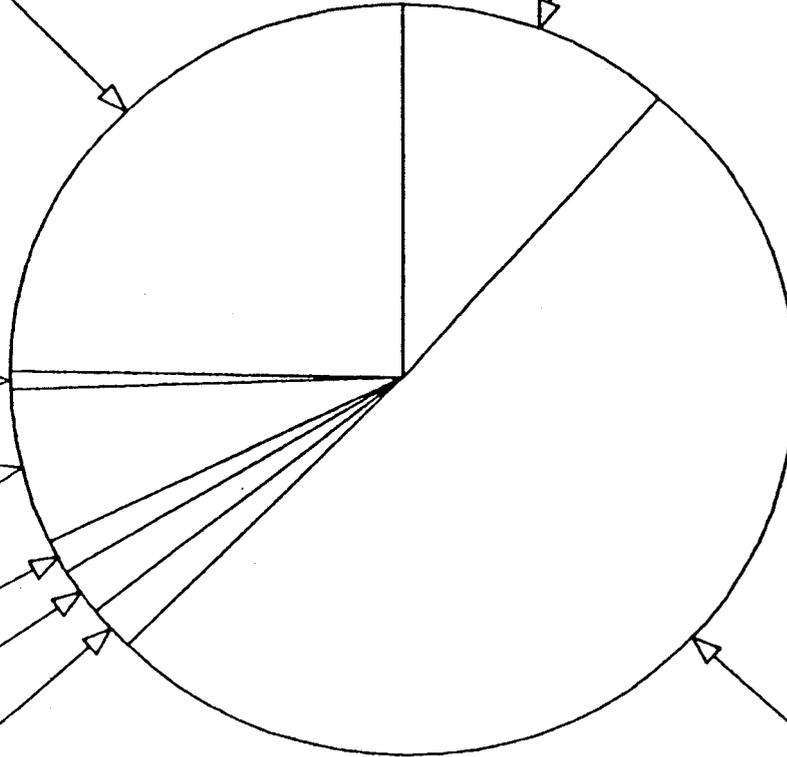
Corr and Ment Health
\$126,539,165 6.6%

Natural Resources
\$27,415,662 1.4%

State Government
\$38,291,046 2%

Trans & Lor Enforce
\$36,692,619 1.9%

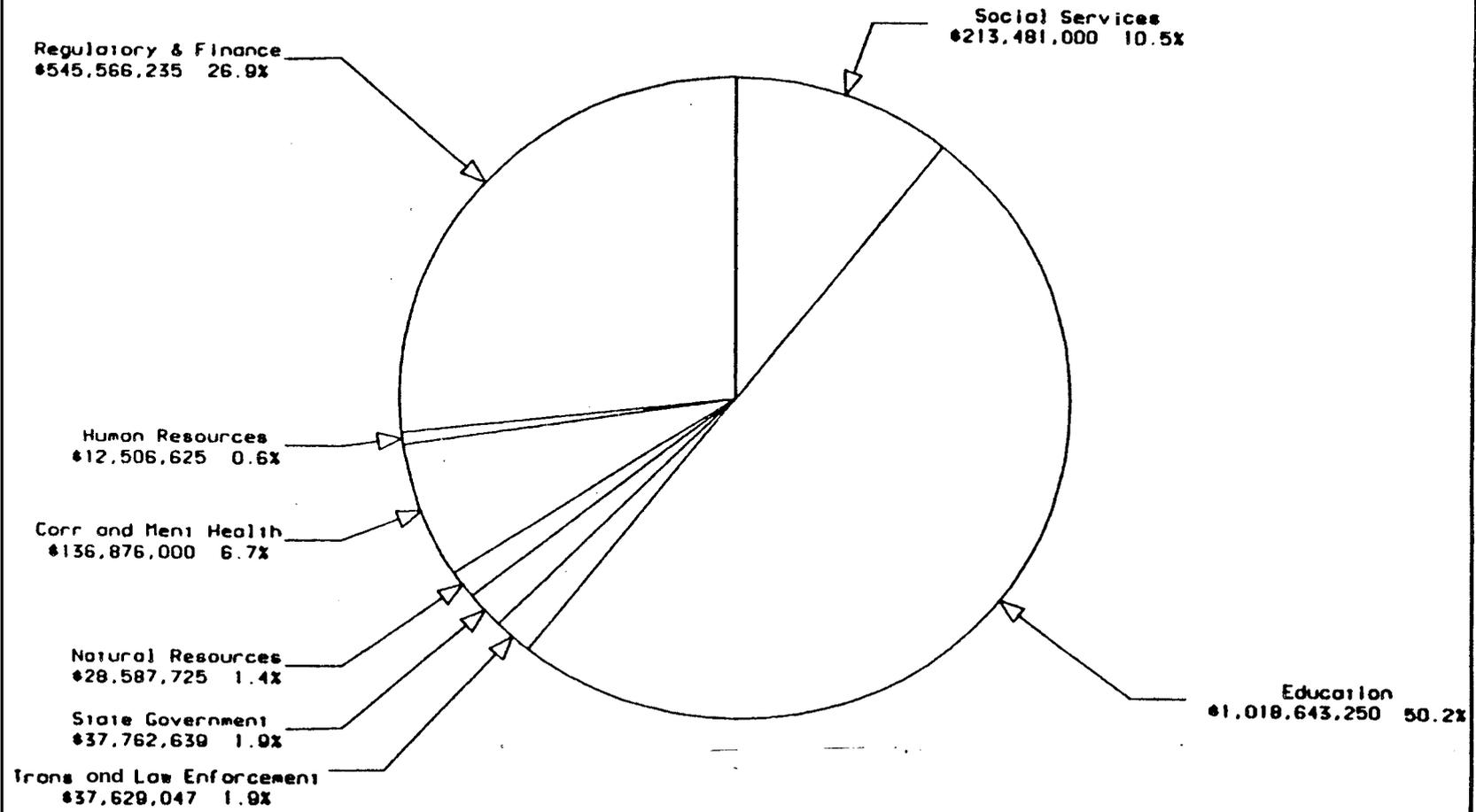
Education
\$976,275,577 51.1%



General Fund Appropriations

, Fiscal Year 1983

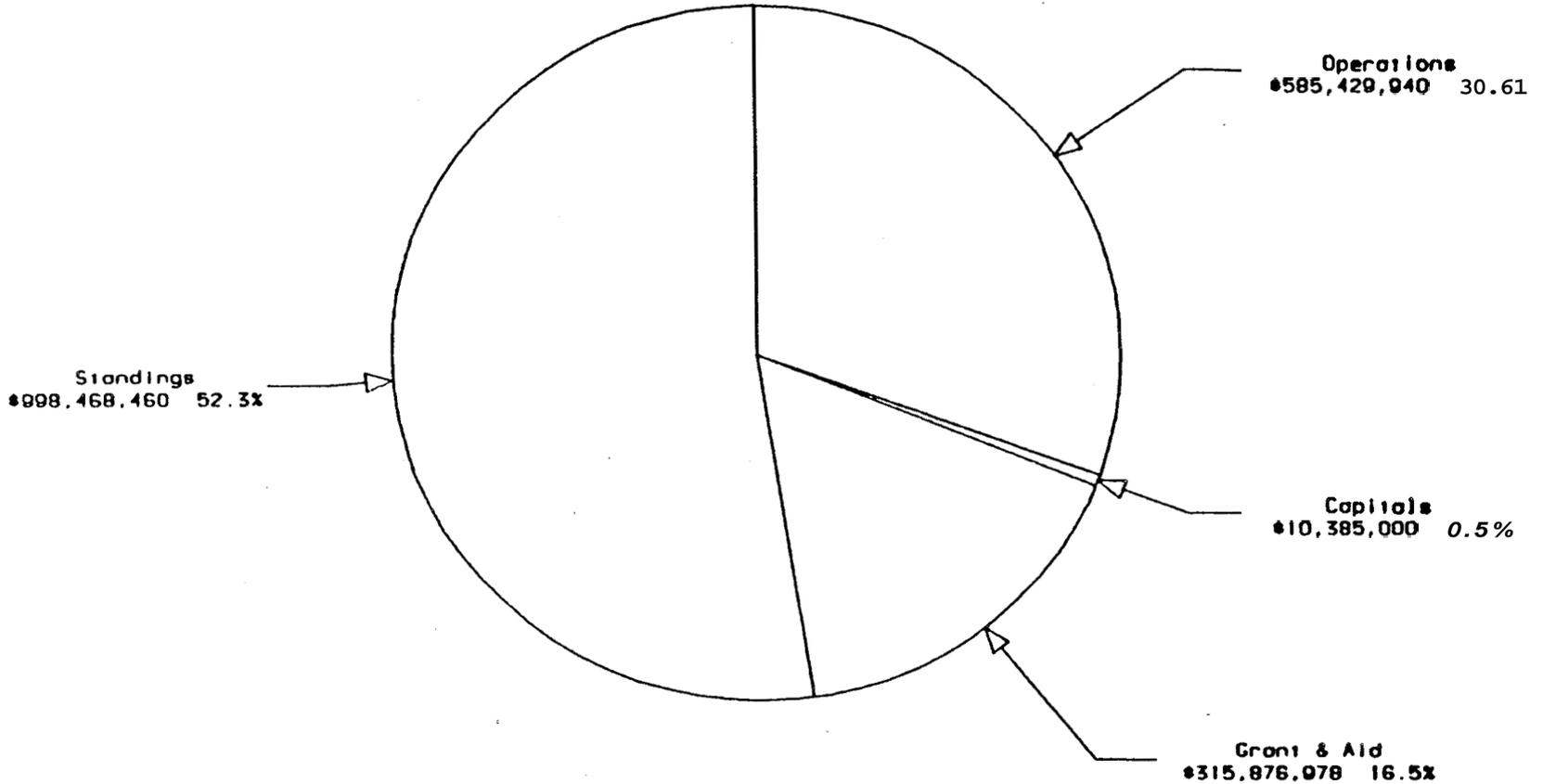
Total \$2,031,052,521



General Fund Appropriation

Fiscal Year 1982

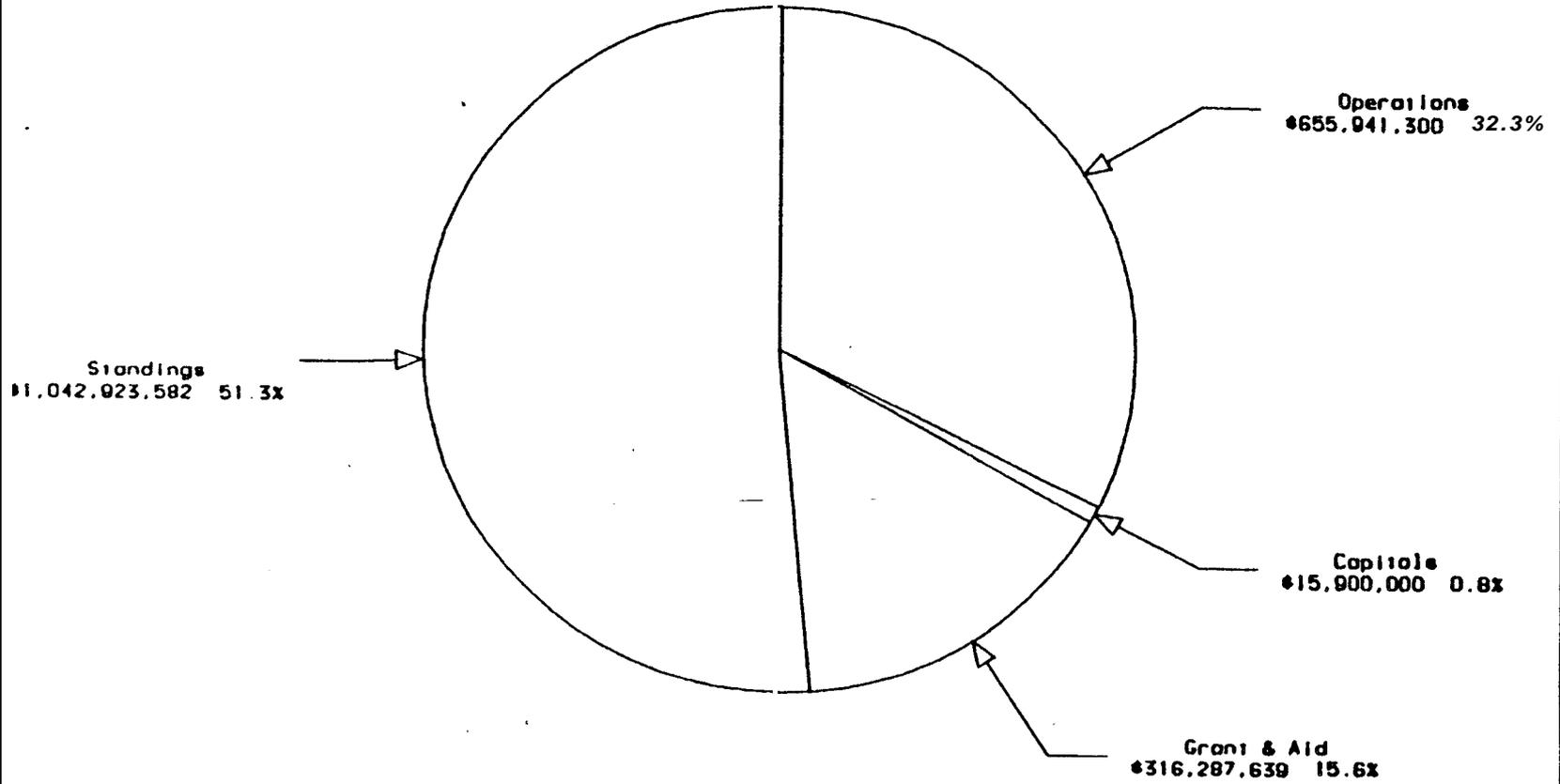
Total \$1,910,160,378



General Fund Appropriation

, Fiscal Year 1983

Total \$2,031,052,521



July 15, 1981

**General Fund
Status of Appropriations**

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	Estimated 81	Adjusted 81	Cov Recom 82	Cov Recom 83	Final Poos 82	Final Poos 83
Corr and Maint Health	118,162,973	114,081,465	125,710,874	137,142,507	126,539,165	136,876,000
Education	983,111,573	934,812,629	975,771,126	1,019,312,428	976,275,577	1,018,643,250
Human Resources	14,756,953	13,936,784	14,249,488	14,917,749	14,528,729	12,506,625
Natural Resources	32,518,018	30,612,974	27,964,485	20,300,026	27,415,662	28,587,725
Regulatory & Finance	403,293,189	384,941,667	459,492,768	535,290,378	474,827,580	545,566,235
Social Services	215,834,817	213,446,400	215,920,946	218,713,211	215,590,000	213,481,000
State Government	38,232,818	36,902,383	38,171,508	39,431,962	38,291,046	37,762,630
Trans & Law Enforce	37,548,327	35,585,949	17,534,851	18,299,502	36,692,619	37,629,047
	<u>1,843,458,668</u>	<u>1,764,320,251</u>	<u>1,874,816,137</u>	<u>2,012,407,763</u>	<u>1,910,160,378</u>	<u>2,031,052,521</u>
Operations	545,741,780	522,189,113	567,529,024	642,264,683	585,429,940	655,841,300
Grant and Aid	327,334,628	317,212,574	311,138,014	318,789,583	315,876,978	316,287,639
Capitals	7,352,750	6,829,519	11,000,000	14,750,000	10,385,000	15,900,000
Standings	963,029,510	918,089,045	985,149,099	1,036,603,497	998,468,460	1,042,923,582
	<u>1,843,458,668</u>	<u>1,764,320,251</u>	<u>1,874,816,137</u>	<u>2,012,407,763</u>	<u>1,910,160,378</u>	<u>2,031,052,521</u>

July 15, 1981

General Fund
Status of Appropriations

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	Estimated 81	Adjusted 81	Cov Recom 82	Cov Recom 83	Final Pass 82	Final Pass 83	Bill No
Corr and Ment Health							
Social Services, Dept							
General Admin							
Moving Costs					80,000	0	H.F. 840
Capital Improvements	2,000,000	1,907,999	500,000	800,000	650,000	800,000	H.F. 849
Fort Madison Capital			2,000,000	1,200,000	2,000,000	1,200,000	H.F. 849
Mt Pleasant Consi			4,500,000	730,000	3,500,000	1,730,000	H.F. 849
New Correction5				7,270,000		7,270,000	H.F. 849
Rockwell City Capt					135,000	0	H.F. 849
Standings	542,000	517,067	542,000	542,000	542,000	542,000	Standing
Family & Children Sv	2,542,000	2,425,066	7,542,000	10,542,000	6,807,000	11,542,000	
Juv Institution	7,392,610	7,052,549	7,101,530	7,441,208	7,000,000	7,000,000	H.F. 840
Marshalltown Ver Hom	11,525,793	10,805,606	12,486,405	15,945,625	11,750,000	14,500,000	H.F. 840
CINA fund					400,000	490,000	H.F. 840
Adult Correction Ser	18,918,403	18,048,155	19,597,935	23,366,824	19,150,000	21,900,000	
Correctional Inst	28,514,195	28,570,542	34,996,600	36,636,000	35,410,000	35,715,000	H.F. 849
Parole	1,095,960	1,045,545	886,364	886,364	880,000	980,000	H.F. 040
Cntrl Classification	100,000	95,399	85,400	100,000	50,000	0	H.F. 84Q
Comm Corr-Pgn & Serv	9,775,557	9,325,881	9,325,882	9,775,557	10,620,000	11,150,000	H.F. 840
Legal Services	25,000	23,849	23,850	25,000	23,850	25,000	H.F. 849
County Confinement	47,500	45,314	45,315	47,500	45,315	47,500	H.F. 849
Mental Health Serv	39,558,212	39,106,530	45,473,411	47,570,421	47,129,165	47,917,500	
Mental Health Inst	30,016,103	28,635,362	27,494,742	28,815,397	27,400,000	28,350,000	H.F. 848
County MH Core	394,000	375,875			370,000	370,000	S.F. 572
Mental Retardation	30,410,103	20,011,237	27,494,742	28,815,397	27,770,000	20,720,000	
Mental Retard Sch	26,437,177	25,221,066	25,319,373	26,530,687	25,300,000	26,500,000	H.F. 849
Total Social Services, Dept	117,865,895	113,812,054	125,427,461	136,845,429	126,256,165	136,579,500	
Mental Health Adv Cu							
Salaries, Supp, Maint	54,768	30,248	52,248	54,768	52,000	54,500	H.F. 849
Mental Health Auih							
Salaries, Supp, Maint	242,310	231,163	231,164	242,310	231,000	242,000	H.F. 849
Total Corr and Ment Health							
Operations	105,378,916	101,885,480	108,773,827	116,752,450	108,253,000	113,341,500	
Grant and Aid	10,242,057	9,770,919	9,395,047	9,848,057	11,459,165	11,992,500	
Capitals	2,000,000	1,907,999	7,000,000	10,000,000	6,285,000	11,000,000	
Standings	542,000	517,067	542,000	542,000	542,000	542,000	
	118,162,973	114,081,465	125,710,874	137,142,507	126,539,165	136,876,000	

**General Fund
Status of Appropriations**

	Estimated 81	Adjusted 81	Gov Recom 62	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Education							
Blind, Iowa Cons for Salaries, Supp, Maint	854,613	835,700	810,700	854,613	803,900	920,800	S.F. 552
Educ Radio and TV Salaries, Supp, Maint	4,845,076	4,717,602	4,817,603	5,045,076	4,817,603	5,045,076	S.F. 552
Capitol Improvements	0	0	0	0	100,000	0	S.F. 575
College Aid Comm	4,945,076	4,717,602	4,817,603	5,045,076	4,817,603	5,045,076	
Salaries, Supp, Maint	306,704	282,505	292,595	306,704	317,595	341,704	S.F. 552
Tuition Grant Prog	2,750,000	2,071,500	2,071,500	2,750,000	2,071,500	2,750,000	S.F. 552
Voc Tech Tuition Gr	100,000	79,300	79,300	100,000	78,300	100,000	S.F. 552
Aid to Medical Schl	1,200,000	1,144,799	0	0	450,000	450,000	S.F. 552
Opioneiry Admis-Educ	120,000	114,479	0	0	80,000	60,000	S.F. 552
Natl Guard Enlist Pr	30,000	28,619	0	0	25,000	25,000	S.F. 552
Student Loan Program	284,000	270,035	0	0	n	n	
Podiatrist Admis	40,000	38,159	0	0	40,000	20,000	S.F. 552
Tuition Grant Siond	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	Standing
Scholarship Prog S1	350,000	333,900	333,800	350,000	333,900	350,000	S.F. 552
Voc Tech Groni Siond	350,000	350,000	350,000	350,000	350,000	350,000	Standing
	17,530,704	16,724,286	15,127,295	15,856,704	15,757,295	16,446,704	
Public Instruction							
General Office							
Salaries, Supp, Maint	3,225,533	3,077,158	3,077,158	3,225,533	3,077,158	3,225,533	S.F. 552
Prof Tech Proc Comm	51,515	49,145	49,145	51,515	49,145	51,515	S.F. 552
	3,277,048	3,126,303		3,277,048	3,126,303	3,277,048	
Area Schools							
Voc Educ Sol & Supp	813,414	775,886	775,997	813,414	775,997	813,414	S.F. 552
General Aid	48,141,500	45,926,890	46,717,791	48,841,500	46,717,791	48,941,500	S.F. 552
Equip Replacemeni	1,350,000	1,764,899	0	0	0	0	
Voc touih Org Fund	10,000	9,539	8,540	10,000	9,540	10,000	S.F. 552
Federal Match Fund6	8,700,000	8,298,788	8,299,800	8,700,000	8,299,800	8,700,000	S.F. 552
Area V Radio	50,000	47,699	98,898	103,667	98,098	103,667	S.F. 552
Area XII Radio	130,500	124,406	98,898	103,667	98,898	103,667	S.F. 552
Area XIII Radio	130,500	124,496	98,898	103,667	88,898	103,667	S.F. 552
Coreer Prog Erponsn	200,000	40,789	0	0	0	0	
	60,025,914	57,114,713	56,099,822	58,775,915	56,099,822	58,775,915	
Secondary & Element							
School Lunch Assist	3,662,000	3,312,000	3,399,543	3,388,367	3,300,000	3,300,000	S.F. 552
SBRC Regular	1,300,000	240,199	200,000	200,000	200,000	200,000	S.F. 552
Voc Educ Sec Schools	3,747,000	3,574,637	3,574,638	3,747,000	3,574,638	3,747,000	S.F. 552
Voc Educ-Exist Coop	150,000	143,098	0	0	0	0	
Gifted and Talented	100,000	85,399	0	0	0	0	
Transitional Engl			200,000	200,000	0	0	
Child foster Core Fc	665,000	634,409	620,000	665,000	565,000	257,000	S.F. 468
Cerification Fee Fd	3,700	3,529	3,700	3,700	3,700	3,700	Standing
School Aid Foundoin	608,700,000	579,215,582	620,658,000	645,752,537	621,073,600	645,310,222	H.F. 414
							S.F. 552
AEA Juvenile Homes	275,000	262,348	575,000	625,000	575,000	625,000	Standing
AEA District Court	15,000	14,308	120,000	150,000	120,000	150,000	Standing
AEA Certain Children	55,000	52,469	60,000	70,000	60,000	70,000	Standing
	618,672,700	587,547,981	628,410,881	654,801,604	628,471,938	653,662,922	
Other Croni and Aid							
Non Public Transport	4,650,800	4,436,958	4,357,013	4,567,100	4,437,000	4,650,800	S.F. 552
Non Public Textbooks	400,000	381,588	381,600	400,000	381,600	400,000	S.F. 552

General Fund
Status of Appropriations

	Estimated 81	Adjusted 81	Gov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Education							
Public Instruction:							
Other Grant and Aid							
Fire Service Educ							
Industrial Startup	200,000	180,789	180,800	200,000	180,800	200,000	S.F. 552
	200,000	180,789	0	0	0	0	
	5,450,900	5,200,155	4,929,413	5,167,400	5,000,400	5,250,900	
Total Public Instruction	687,426,562	652,989,152	693,666,419	722,021,667	693,707,463	720,966,785	
vocational Rehab							
Salaries, Supp, Maint	2,603,678	2,483,909	2,483,910	2,603,678	2,483,910	2,603,678	S.F. 552
Independent Living	222,000	211,787					
	2,825,678	2,695,696	2,483,910	2,603,678	2,483,910	2,603,678	
Regents, Board of							
General Office							
Salaries, Supp, Maint	301,843	373,818	373,818	391,843	373,818	301,843	S.F. 552
Regents Fed Fda Loss	400,000	381,599	0	0	0	0	
Enroll Increase Cost	600,000*	572,399	0	0	0	0	
Continuing Educorion	100,000	95,398	95,400	100,000	95,400	100,000	S.F. 552
Capital Replacemnts	500,000	476,999	0	0	0	0	
Tuition Replacemnts	4,550,000	4,155,699	4,000,000	4,750,000	4,000,000	4,000,000	S.F. 575
	6,541,843	6,055,013	4,469,218	5,241,843	4,469,218	5,391,843	
State Univ of Iowa							
Salaries, Supp, Maint	95,292,467	90,909,013	92,589,012	97,495,467	92,397,351	97,294,990	S.F. 552
SUI University Hosp							
Salaries, Supp, Maint	21,762,892	20,761,798	20,819,800	22,046,392	20,819,800	22,046,392	S.F. 552
Family Practice Prog	1,195,000	1,140,029	1,140,030	1,195,000	1,140,030	1,195,000	S.F. 552
	22,957,892	21,901,827	21,959,830	23,241,392	21,959,830	23,241,392	
SUI Psychiatric Hosp							
Salaries, Supp, Maint	4,593,778	4,382,464	4,396,714	4,608,028	4,396,714	4,608,028	S.F. 552
SUI Hygentc Lab							
Salaries, Supp, Maint	1,781,515	1,699,565	1,699,565	1,781,515	1,699,565	1,781,515	S.F. 552
SUI Hosp Sch Handicp							
Salaries, Supp, Maint	3,281,067	3,130,137	3,145,138	3,296,067	3,145,138	3,296,067	S.F. 552
SUI Oakdale Campus							
Salaries, Supp, Maint	1,850,312	1,765,197	1,931,198	2,016,312	1,931,198	2,016,312	S.F. 552
ISU Science and Tech							
Salaries, Supp, Maint	78,151,646	74,556,670	76,362,670	80,322,646	76,208,384	80,161,263	S.F. 552
Livestock Oiseosc	300,000	286,199	0	0	100,000	150,000	S.F. 552
	78,451,646	74,842,869	76,362,670	80,322,646	76,308,384	80,311,263	
ISU Agri Erper Stain							
Salaries, Supp, Maint	8,845,302	8,438,418	8,438,418	8,845,302	8,438,418	8,845,302	S.F. 552
+ISU Coop Exten Ser							
Salaries, Supp, Maint	8,436,406	8,048,331	8,048,331	8,436,406	8,048,331	8,436,406	S.F. 552
+Univ of Norihern Io							
Salaries, Supp, Maint	31,485,665	30,018,244	30,089,243	31,536,665	29,985,397	31,428,042	S.F. 552
Iowa Braille 6 Sight							
Salaries, Supp, Maint	2,099,329	2,002,759	2,010,760	2,108,329	2,010,760	2,108,328	S.F. 552
Standings	3,000	2,861	3,000	3,000	3,000	3,000	Standing
	2,102,329	2,005,620	2,013,760	2,111,329	2,013,760	2,111,328	
Io Sch for the Deaf							
Salaries, Supp, Maint	3,817,717	3,642,102	3,711,102	3,886,717	3,711,102	3,886,717	S.F. 552
Standings	11,000	10,493	11,000	11,000	11,000	11,000	Standing
	3,828,717	3,652,595				3,897,717	

July 15, 1981

**General Fund
Status of Appropriations**

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	Estimated 81	Adjusted 81	Gov Recom 02	Gov Recom 83	Final Pass 82	Final Pass 03	Bill No
Total Regents, Board of	<u>269,428,939</u>	<u>256,850,193</u>	<u>258,865,108</u>	<u>272,830,680</u>	<u>258,515,406</u>	<u>272,660,206</u>	
Total Education	<u>275,892,473</u>	<u>263,126,406</u>	<u>266,022,877</u>				
Operations	<u>79,441,400</u>	<u>73,827,425</u>	<u>71,013,649</u>	<u>79,772,223</u>	<u>265,589,093</u>	<u>270,302,927</u>	
Grant and Aid			<u>66,022,877</u>	<u>274,809,968</u>	<u>65,589,093</u>	<u>75,160,927</u>	
Capitals	<u>5,050,000</u>	<u>4,632,698</u>	<u>4,000,000</u>	<u>4,750,000</u>	<u>4,100,000</u>	<u>4,800,000</u>	
Standings	<u>622,727,700</u>	<u>593,166,100</u>	<u>634,734,600</u>	<u>659,980,237</u>	<u>635,105,200</u>	<u>659,279,922</u>	
		<u>934,812,629</u>		<u>1,010,312,428</u>		<u>1,018,643,250</u>	
	<u>983,111,573</u>		<u>975,771,126</u>		<u>976,275,577</u>		

July 15, 1981

General Fund
Status of Appropriations

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	Estimated 81	Adjusted 81	Gov Reconn 82	Cov Reconn 83	Final Pass 82	Final Pass 83	Bill No
Human Resources							
Aging, Commission on							
Salaries, Supp, Maint	181,270	172,940	180,561	188,900	180,561	188,900	H.F. 851
Older Iowans Leg	14,000	13,355	13,356	14,000	13,356	14,000	H.F. 851
Elderly Serv Prog			763,200	800,000	763,200	800,000	H.F. 851
Title III Grants	117,600	112,190	112,190	117,600	112,190	117,600	H.F. 851
Retired Iowan Empl.	108,000	103,031	103,032	108,000	103,032	100,000	H.F. 851
Senior Citizen Cent	158,000	150,731			0	0	
Elderly Core Prog	800,000	763,199			0	0	
	<u>1,378,879</u>	<u>1,315,446</u>	<u>1,172,339</u>	<u>1,228,500</u>	<u>1,172,339</u>	<u>1,228,506</u>	
Civil Rights Comm							
Salaries, Supp, Maint	592,584	565,325	584,924	612,183	584,924	612,183	H.F. 851
Salaries, supp, SSPC	33,130	31,606	31,606	33,130	31,606	33,130	H.F. 851
	<u>625,714</u>	<u>596,931</u>	<u>616,530</u>	<u>645,313</u>	<u>616,530</u>	<u>645,313</u>	
Employment Handicap							
Salaries, Supp, Maint	113,788	108,553	108,554	113,788	108,554	113,788	H.F. 851
Health, Dept of							
Administration							
Salaries, Supp, Maint	885,370	825,581	844,643	885,370	833,143	873,870	H.F. 851
Standing	7,100	7,200		7,400	7,200	7,400	Standing
Health Facilities Serv	892,470	832,781		802,770	840,343	881,270	
Salaries, Supp, Maint	591,752	552,740	609,527	636,265	530,994	557,732	H.F. 851
Health Planning Div							
Salaries, Supp, Maint	272,663	247,134	260,121	272,663	236,365	248,907	H.F. 851
Disease Prevention O							
Salaries, Supp, Maint	573,394	524,190	857,733	899,092	840,474	881,833	H.F. 851
Licen & Certificoin							
Salaries, Supp, Maint	560,074	523,159	504,068	521,648	525,068	542,648	H.F. 851
Personal & Family Hl							
Salaries, Supp, Maint	943,927	881,712	599,784	628,716	605,691	634,613	H.F. 851
Community Hlth Serv							
Salaries, Supp, Maint	1,484,092	1,386,275	1,415,824	1,484,092	1,445,824	1,484,092	H.F. 851
Sex Abuse Invest	45,000	25,545	40,500	40,500	40,500	40,500	H.F. 851
Suden Inf Oeih Alpsy	28,000	14,288	25,200	25,200	25,200	25,200	H.F. 851
Well Elderly Clinics	212,000	202,247	202,240	212,000	202,248	212,000	H.F. 851
In Home Heolih Core	3,015,060	2,877,225	2,877,226	3,015,960	0	0	
Homemaker hone hllh					1,562,207	1,621,862	H.F. 851
Public Heolih Nursin					1,640,019	1,719,098	H.F. 851
	<u>4,785,052</u>	<u>4,505,580</u>	<u>4,560,998</u>	<u>4,777,752</u>	<u>4,015,998</u>	<u>5,102,752</u>	
Total Health, Dept of	<u>8,619,332</u>	<u>8,067,305</u>	<u>8,244,084</u>	<u>8,628,006</u>	<u>8,494,933</u>	<u>8,849,755</u>	
Medical Prom. Boord							
Salaries, Supp, Maint	216,767	227,775	350,682	374,245	364,682	354,111	H.F. 851
Nurse Exam, Boord							
Salaries, Supp, Maint	380,088	371,189	474,003	500,611	446,395	471,463	H.F. 851
Parole, Boord of							
Salaries, Supp, Maint	292,292	278,846	278,847	282,040	311,247	324,440	H.F. 851
Pharmacy Examiners							
Salaries, Supp, Maint	268,014	255,685	282,157	282,342	291,757	291,942	H.F. 851

General Fund
Status of Appropriations

	Estimated 81	Adjusted 81	Cov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Human Resources							
Status of Women							
Salaries, Supp, Maint	84,848	80,944	89,275	93,178	89,275	93,178	H.F. 851
Substance Abuse							
Operations	146,120	139,398	142,867	149,691	142,967	0	H.F. 851
Grants and Aids	2,475,000	2,361,149	2,361,150	2,475,000	2,361,150	0	H.F. 851
	2,621,120	2,500,547	2,504,117	2,624,691	2,504,117	0	
Veterans Affairs							
Salaries, Supp, Maint	112,111	106,953	100,000	102,135	100,900	102,135	H.F. 851
War Orphans Educ	35,000	26,610	28,000	32,000	28,000	32,000	ti F 851
	147,111	133,563	128,900	134,135	128,900	134,135	
Total Human Resources							
Operations	7,755,293	7,293,369	8,492,742	8,884,039	8,446,983	8,622,965	
Grant and Aid	6,994,560	6,636,215	5,748,546	6,026,260	6,074,546	3,876,260	
Capitals	0	0	0	0	0	0	
Standings	7,189	7,200	7,200	7,400	7,200	7,400	
	14,756,953	13,936,784	14,248,488	14,917,749	14,528,729	12,505,625	

**General Fund
Status of Appropriations**

	Estimated 81	Adjusted 81	Gov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Natural Resources							
Agriculture, Dept of							
Administration Dtv							
Salaries, Supp, Maint.	1,182,151	1,127,772	1,127,772	1,182,151	1,071,467	1,124,846	S.F. 553
Regulatory Division							
Salaries, Supp, Maint	3,206,671	3,059,164	3,219,164	3,366,671	3,065,820	3,213,327	S.F. 553
Brucellosis Indemn	25,000	23,849	23,850	25,000	23,850	25,000	S.F. 553
	3,231,671	3,083,013	3,243,014	3,391,671	3,080,670	3,238,327	
Laboratory Division							
Salaries, Supp, Maint	529,392	505,039	505,040	529,392	505,040	528,382	S.F. 553
Iolol Agriculture, Dept of	4,943,214	4,715,824	4,875,825	5,103,214	4,856,177	4,892,565	
Conservation Comm							
Lands and Voters	5,528,465	5,258,405	5,339,156	5,583,465	5,338,156	5,583,465	S.F. 553
Advisory Bd-Prserves	42,074	40,138	40,138	42,074	40,139	42,074	S.F. 553
Open Space Tax Repl	35,000	33,389	33,380	35,000	33,380	35,000	S.F. 553
Land Surveys	45,000	42,020			0	0	
River Basin Commian	48,000	45,701	45,782	48,000	45,792	48,000	S.F. 553
Green Thumb Program	148,830	141,083	141,984	148,830	141,984	148,830	S.F. 553
Great River Road St	37,500	0			0	0	
	5,664,869	5,562,635	5,600,461	5,967,369	5,600,461	5,061,369	
Development Comm							
Salaries, Supp, Maint	2,193,938	2,003,016	2,109,854	2,210,775	2,222,351	2,285,725	S.F. 553
European Office	208,723	198,121	188,112	208,723	0	0	
	2,402,661	2,202,137	2,308,976	2,419,498	2,222,351	2,285,725	
Energy Policy Council							
General Office	357,115	275,687	340,688	357,115	240,688	257,115	S.F. 553
Pub Build Energy Con	86,367	82,394	86,287	100,270	96,297	100,270	S.F. 553
Sioie Set-Aside					100,000	100,000	S.F. 553
	443,482	358,081	426,975	457,385	436,985	457,385	
Environment Quality							
Salaries, Supp, Maint	2,364,958	2,056,169	2,126,170	2,234,958	1,961,402	2,070,100	S.F. 553
Sewage Works 5% Cris	5,000,000	4,789,999	2,000,000	2,000,000	2,000,000	2,000,000	S.F. 553
	7,364,056	6,826,168	4,126,170	4,234,958	3,961,402	4,070,100	
Fair Board, Iowa St							
Blag 6 Grounds Maint	85,000	81,089	91,090	95,000	76,500	76,500	S.F. 553
Premiums	10,000	9,539	8,540	10,000	0,000	9,000	S.F. 553
Agr Societies-Faire	210,000	187,668	200,340	210,000	189,000	188,000	S.F. 553
	305,000	288,297	290,970	305,000	274,500	274,500	
Geological Survey							
Salaries, Supp, Maint	1,220,770	1,164,614	1,164,615	1,210,388	1,164,615	1,210,388	S.F. 553
Hoover Birth Found							
Copitals	2,750	2,623			0	0	
Mississippi River Pk							
Support, Maint, Misc	20,000	19,079	18,000	18,900	0	0	
Natural Resources Cl							
Salaries, Supp, Maint	737,239	703,326	703,326	737,239	650,015	683,028	S.F. 553
Soil Conservation							
Salaries, Supp, Maint	2,841,675	2,710,957	2,710,958	2,841,675	2,710,958	2,841,675	S.F. 553
Land Use Planning				100,000	0	0	
ST-fed Watershed P&D	25,000	23,849	23,850	25,000	23,850	25,000	S.F. 553
Soil Survey IA Land	347,000	331,037			330,000	345,000	S.F. 553
Conserv Incentives	5,979,400	5,704,347	5,704,348	5,979,400	5,374,348	5,634,000	S.F. 553
	9,193,075	8,770,190	8,439,156	8,946,075	8,439,156	8,845,675	

July 15, 1981

General Fund
Status of Appropriations

	Estimated 81	Adjusted 81	Gov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Total Natural Resources							
Operations	20,544,538	19,219,191	19,715,691	20,749,896	19,201,330	20,087,305	
Grant and Aid	11,980,730	11,391,160	8,248,794	8,550,130	8,214,324	8,500,330	
Capitals	2,750	2,623	0	0	0	0	
Standings	0	0	0	0	0	0	
	<u>32,518,018</u>	<u>30,612,974</u>	<u>27,964,485</u>	<u>29,300,026</u>	<u>27,415,662</u>	<u>28,587,725</u>	

General Fund
Status of Appropriations

	Estimated 81	Adjusted 81	Gov Recom 82	Cov Recom 83	Final Pass 82	Final Pass 83	Bill No
Regulatory 6 Finance Accountancy, 869rd General Office	180.452	179,783	262,600	288,815	262,600	288,815	S.F. 540
Architectural Exam General Office	35.037	33,425	44,556	45,046	45,756	46,246	S.F. 546
Auditor of State Salaries, Supp, Maint	1,533,301	1,462,769	1,462,768	1,533,301	1,462,768	1,533,301	S.F. 548
Banking Department General Office	2,469,660	2,356,055	2,627,368	2,721,893	2,627,368	2,721,893	S.F. 548
Beer & Liquor Control General Operations	16,368,104	15,615,171	15,786,931	16,539,864	15,786,931	16,539,864	S.F. 548
Warehouse Capital	300,000	286,199			0	0	
Beer Barr Tax Rebate	50,000	47,698	50,000	50,000	50,000	50,000	Standing
Campaign Fincl Disc	16,718,104	15,949,068	15,836,931	16,589,864	15,836,931	16,589,864	
Salaries, Supp, Maint	107,563	102,615	106,911	111,859	106,811	111,859	S.F. 548
Commerce Commission General Admln Salaries, Supp, Maint	395,621	377,422	413,846	305,621	413,846	385,621	S.F. 548
Warehouse Division Salaries, Supp, Maint	539,096	514,287	643,800	587,920	869,561	801,705	S.F. 548
Utilities Division Salaries, Supp, Maint	2,210,292	2,308,618	2,607,174	2,375,973	2,746,674	2,515,473	S.F. 548
Rate Reg 6 Review					800,000	800,000	H.F. 771
Total Commerce Commission	3,145,009	3,200,337	3,664,829	3,359,514	4,830,081	4,512,799	
Comptroller, Office General Office Salaries, Supp, Maint	1,289,465	1,230,149	1,230,150	1,289,465	1,208,150	1,267,465	S.F. 548
City Finance Comm	10,600	10,303			0	0	
Salary Adjustment Fd	497,926	475,021	47,492,750	94,840,250	49,037,887	97,154,918	H.F. 875
County Finance Comm	20,000	19,079			0	0	
Municipal Assist Fnd	14,650,000	13,976,099	13,976,100	14,650,000	13,976,100	14,650,000	S.F. 548
County Assistance	5,350,000	5,103,899	5,103,900	5,350,000	5,103,900	5,350,000	S.F. 548
Dues, Leg, Erec, Jud			120,840	121,250	0	0	
St Unemploy Compens	440,000	419,758	480,000	500,000	480,000	500,000	Standing
St Employees Compens	1,350,000	1,287,899	1,460,000	1,600,000	1,460,000	1,600,000	Standing
Agr Lond Tax Credit	43,500,000	41,498,999	41,499,000	43,500,000	43,500,000	43,500,000	Standing
Person Prop Tax Repl	42,400,000	40,449,599	40,449,600	42,400,000	42,400,000	46,200,000	Standing
Prop Tor Repl Livstk	0,000,000	7,631,999	7,632,000	8,000,000	8,000,000	8,000,000	Standing
Peace Off Retire Man	2,410,000	2,299,139	2,290,140	2,410,000	2,299,140	2,410,000	H.F. 875
Data Processing	110,918,191	114,401,944	161,743,480	214,660,965	167,465,177	220,632,383	
Salaries, Supp, Maint	5,527,398	5,273,137	5,777,681	5,977,943	5,777,681	5,977,943	S.F. 548
Total Comptroller, Office	125,445,588	119,675,081	167,521,161	220,639,908	173,242,858	226,610,326	
Credit Union Dept General Operations	414,050	395,003	120,676	437,486	452,806	481,738	S.F. 548
Engineering Exam, Bd General Office	99,237	04,672	118,716	122,290	124,716	128,290	S.F. 548

**General Fund
Status of Appropriations**

	Estimated 81	Adjusted 81	Cov Recon 82	Cov Recom 83	Final Pose 82	Final Poss 83	Bill No
Regulatory & Finance							
Industrial Commissr							
Salaries, Supp, Maint	890,195	849,246	859,878	900,827	885,000	825,000	S.F. 540
Work Comp-Peace Off	6,000	5,723	7,200	8,400	7,200	8,400	Standing
	896,195	854,969	867,078	908,227	882,200	833,400	
Insurance, Dept of							
Salaries, Supp, Maint	1,935,970	1,846,915	2,386,447	2,430,087	2,386,447	2,430,087	S.F. 548
Job Service of Iowa							
FOAB and IOAS Admin	135,102	128,887	128,887	135,102	128,887	135,102	S.F. 548
Teacher Retire Allw	336,000	320,543	316,000	297,000	316,000	287,000	Standing
IPERS Prior Ser 1053	500,000	476,989	500,000	500,000	500,000	500,000	Standing
Non leochcr Ret All	37,000	35,207	33,500	30,000	33,500	30,000	Standing
Current Retirees All	6,900,000	6,582,599	6,550,000	6,325,000	6,550,000	6,325,000	Standing
Conserv Peacc Ofrcs	172,000	164,087	227,000	245,000	227,000	245,000	Standing
IPERS Prior Ser 1975	342,000	326,267	306,000	274,000	306,000	274,000	Standing
	8,422,102	8,034,679	8,061,387	7,806,102	8,061,387	7,806,102	
Landscape Arch Erom							
Generol Office	13,305	12,769	15,535	17,732	15,246	16,771	S.F. 548
Occ Sf iy 6 Hlth Revw							
OSHA Review Comm	51,862	48,476	45,277	47,134	45,277	47,134	S.F. 548
Publ Employ Relation							
Per Board	595,953	568,539	569,090	595,638	544,090	570,638	S.F. 548
Real Estate Comm							
Salaries, Supp, Maint	281,469	268,521	240,480	260,668	256,980	269,168	S.F. 540
Revenue, Dept of							
Salaries, Supp, Maint	13,125,080	12,521,326	12,870,805	13,474,559	13,170,805	13,774,559	S.F. 548
Homestead Tax Credit	93,200,000	88,912,799	88,912,800	93,200,000	96,000,000	99,000,000	Standing
Extra Prop Tor Reim	14,500,000	13,832,999	13,833,000	14,500,000	14,500,000	14,500,000	Standing
Tax Refunds	115,704,000	110,381,615	132,755,000	149,180,000	132,755,000	149,180,000	Standing
Reassessmen Exp Fud	750,000	715,489					
Ton Rebate	1,800	1,717	0	0	0	0	
Military Tax Credit			3,360,000	3,360,000	3,360,000	0	S.F. 113
	237,280,880	226,365,955	251,731,605	273,714,559	259,785,805	276,454,559	
Secretary of State							
Salaries, Supp, Maint	747,280	712,005	712,805	747,280	712,905	747,280	S.F. 548
Computerization					355,000	353,000	S.F. 548
Servmone Ballot Comm	3,000	2,861	3,000	3,000	3,000	3,000	Standing
Constitutional Amend	1,000	953	1,000	1,000	1,000	1,000	Standing
	751,280	716,719	716,805	751,280	1,071,905	1,104,280	
Treasurer of State							
Salaries, Supp, Maint	397,718	379,422	378,424	387,718	379,424	397,718	S.F. 548
Money & Crdi Replc F	2,500,000	2,384,999	2,385,000	2,500,000	2,305,000	2,500,000	S.F. 548
	2,897,718	2,764,421	2,764,424	2,897,718	2,764,424	2,897,718	
Watchmaking Exomlner							
Generol Office	10,373	8,895	11,024	11,247	11,024	11,247	S.F. 548
Total Regulatory & Finance							
Operations	49,890,389	47,795,420	97,232,688	146,285,728	99,814,740	149,642,835	
Crni and Aid	22,500,000	21,464,997	21,585,840	22,621,250	21,465,000	22,500,000	
Capitol	300,000	286,198	0	0	0	0	
Standings	330,602,800	315,395,051	340,674,240	366,303,400	353,547,840	373,423,400	
	403,293,189	384,941,667	459,492,768	535,280,378	474,827,500	545,566,235	

July 15, 1981

General Fund
Status of Appropriations

	Estimated 81	Adjusted 81	Gov Recom 82	Gov Recom 83	Final Poss 82	Final Poss 83	Bill No
Social Services							
Social Services Dept							
Area Serv and Admin							
Area Service 6 Admin	18,229,070	17,830,532	17,392,552	18,231,085	15,779,000	15,779,000	S.F. 566
General Admin							
General Admin	7,045,801	6,721,604	7,187,766	7,513,006	7,000,000	7,000,000	S.F. 566
Family 6 Children Sv							
Comm Based Juv Corr	520,000	305,279	305,280	320,000	0	0	
Income Maint Service							
Child Support Recovr	537,046	513,200	607,000	607,000	607,000	607,000	S.F. 566
Aid to the Blind	20,000	19,079	18,000	18,000	0	0	
Aid to Depend Child	56,100,000	60,619,399	55,944,000	55,944,000	55,327,000	55,327,000	S.F. 566
Aid to Indians Sett	36,000	34,343	34,344	36,000	34,000	34,000	S.F. 566
Medical Assisiance	97,750,000	93,253,499	100,208,200	100,208,200	101,235,000	100,206,000	S.F. 566
Contractual Services	1,120,000	1,068,479	1,318,480	1,370,000	1,318,000	1,318,000	S.F. 566
Children Services	22,030,000	21,016,619	21,016,620	22,030,000	0	0	
Work 6 Training Prog	438,000	417,851	417,052	438,000	62,000	62,000	S.F. 566
Adult 6 Child Servs	758,000	723,131	723,132	758,000	0	0	
Homemaker Services	1,580,000	1,507,319	1,612,320	1,685,000	0	0	
State Supplenoin	6,520,000	6,220,079	6,655,000	6,954,920	6,731,000	6,731,000	S.F. 566
Assist Child Core Ct	400,000	381,599	381,600	400,000	0	0	
Gov Youth Oppor Prog	750,000	715,499			0	0	
State Suppl-title XX	2,200,000	2,098,799	2,098,800	2,200,000	0	0	
Foster Care					17,558,000	17,558,000	S.F. 566
Community Based SR					1,508,000	1,508,000	S.F. 566
Homebased Services					7,351,000	7,351,000	S.F. 566
Rent Subsidy Program					1,080,000	0	S.F. 566
	190,239,946	188,588,895	191,035,348	192,649,120	192,811,000	190,702,000	
Total Social Services Dept	215,834,817	213,446,400	215,920,946	218,713,211	215,590,000	213,481,000	
Total Social Services							
Operations	26,132,817	25,370,705	25,492,598	26,671,091	23,386,000	23,386,000	
Grant and Aid	189,702,000	188,075,695	190,428,348	182,042,120	192,204,000	190,005,000	
Capitals	0	0	0	0	0	0	
Standfigs	0	0	0	0	0	0	
	215,834,817	213,446,400	215,920,946	218,713,211	215,590,000	213,481,000	

**General Fund
Status of Appropriations**

	Estimated 81	Adjusted 81	Gov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
State Government							
Admin Rules Coordin							
Salaries, Supp, Maint	61,934	58,085	60,039	62,834	60,030	62,834	H.F. 847
Appeal Board							
Standings	1,000,000	953,999	1,500,000	1,500,000	1,500,000	1,500,000	Standing
Appellate Defender							
Salaries, Supp, Maint					100,000	0	H F 847
Arts Council							
Salaries, Supp, Maint	305,150	291,113	291,113	305,150	291,113	305,150	H F 847
Attorney General							
General Office	2,272,661	2,168,118	2,168,122	2,272,661	2,191,472	2,288,361	H F 847
Prosecuting Att Trng	60,241	57,469			59,050	62,164	H F 847
Prosecutor Intern Pr	52,500	50,084			52,500	52,500	H F 847
	<u>2,385,402</u>	<u>2,275,671</u>	<u>2,168,122</u>	<u>2,272,661</u>	<u>2,303,030</u>	<u>2,413,025</u>	
Capitol Planning Com							
Salaries, Supp, Maint	5,000	4,768	3,500	3,500	3,500	3,500	H F 847
Citizens' Aid							
Salaries, Supp, Maint	213,515	203,502	203,502	213,315	203,502	213,315	H F 847
Council of St Govt							
Support of Council	37,900	36,156			41,200	44,600	H F 847
Executive Council							
Salaries, Supp, Maint	56,982	53,610	54,361	56,982	54,361	56,882	H F 847
Boone Assesment	4,242	4,046			0	0	
Performance of Duty	900,000	858,599	900,000	900,000	500,000	900,000	Standing
Misc Standings	72,000	68,687	99,000	101,000	99,000	101,000	Standing
	<u>1,033,224</u>	<u>984,942</u>	<u>1,053,361</u>	<u>1,057,982</u>	<u>1,053,361</u>	<u>1,057,982</u>	
General Services							
Printing Division							
Salaries, Supp, Maint	195,719	186,715			0	0	
Salary Book	5,500	5,246			0	0	
	<u>201,219</u>	<u>191,961</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Office of Director							
Salaries, Supp, Maint	168,473	160,723			0	0	
Risk Management	50,912	48,474			0	0	
	<u>219,285</u>	<u>209,197</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Buildings & Grounds							
Salaries, Supp, Maint	3,012,112	2,873,554			0	0	
Records Management							
Salaries, Supp, Maint	337,600	322,070			0	0	
Communications Div							
Salaries, Supp, Maint	384,326	366,647			0	0	
General Admln							
Salaries, Supp, Maint	396,190	377,965			0	0	
Utilities	1,303,335	1,243,381	2,088,375	2,098,375	2,098,375	2,098,375	H.F. 847
General Operations							
	<u>1,699,525</u>	<u>1,621,346</u>	<u>6,436,092</u>	<u>6,645,173</u>	<u>6,286,092</u>	<u>6,495,173</u>	H.F. 847
Total General Services	5,854,067	5,584,775	6,436,092	6,645,173	6,286,092	6,495,173	
Governor							
Salaries, Supp, Maint	585,220	558,280	531,159	556,770	572,859	598,470	H.F. 847
Terrace Hill	183,354	174,919	176,160	184,594	176,160	184,584	H.F. 847
Governor's Expenses	6,000	5,723	5,724	6,000	5,724	6,000	H.F. 847

**General Fund
Status of Appropriations**

State Government	Estimated 81	Adjusted 81	Gov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Governor							
Governor's Ad Hoc Cm	50,000	27,699	25,000	25,000	25,000	25,000	H.F. 847
Governor Execi Exps				10,000	0	10,000	H.F. 847
Presidential Elector	350	333			0		
Total Governor	824,924	766,973	738,043	782,364	779,743	824,064	
Governor, Lieutenant	824,924	766,973	738,043	782,364	779,743	824,064	
Office Interim Exps	90,116	85,970	85,071	90,116	85,071	90,116	H.F. 847
Historical Dept							
Hoover Birth found					500	500	H.F. 847
Grant and Aid							
Historical Board	15,000	14,309	13,500	13,565	13,500	13,565	H.F. 847
Historical Society							
Salaries, Supp, Maint	465,420	430,010	440,668	462,078	410,660	427,078	H.F. 847
Historical Preserv							
Salaries, Supp, Maint	176,523	161,902	171,746	179,865	171,746	179,865	H.F. 847
Historic Mus & Archi							
Salaries, Supp, Maint	501,812	469,728	400,203	429,885	478,728	501,812	H.F. 847
Total Historical Dept	1,158,755	1,083,949	1,034,118	1,083,393	1,075,144	1,122,820	
Indian Settlement Ofc							
Indian Settlement Off	3,500	3,338	3,338	3,500	3,500	3,500	Standing
Judicial Departments							
Courts							
Operations	9,468,670	9,398,670	9,468,670	9,468,670	9,538,365	9,547,641	H.F. 847
Judicial Retirement F	1,028,613	1,028,613	1,028,613	1,028,613	0	0	
District Courts					712,500	850,000	S.F. 571
Administration	10,497,283	10,427,283	10,497,203	10,497,283	10,250,865	10,497,641	
Operations	564,716	564,716	555,816	555,816	589,056	590,366	H.f. 847
Boards & Commissions							
Credits and Aids	54,125	54,125	53,712	54,125	53,712	54,125	H.F. 847
Total Judicial Departments	11,116,124	11,046,124	11,106,811	11,072,203	11,094,865	11,142,132	
Supreme Ct Code Edt I							
Code Work	893,500	852,398	786,500	1,000,000	786,500	1,000,000	Standing
Labor, Bureau of							
Salaries, Supp, Maint	1,269,035	1,194,659	1,214,659	1,273,035	1,214,659	1,273,035	H.F. 847
Leg Fiscal Bureau							
General Office	371,908	354,800	433,970	454,894	448,970	479,804	H.F. 847
Program Evaluation	82,986	79,168			0	0	
Leg Service Bureau	454,894	433,968	433,910	454,894	448,970	479,804	
Salaries, Supp, Maint	808,487	771,296	771,296	808,487	771,296	808,487	H.F. 847
Drop Res Code Dp	15,000	14,300	14,310	15,000	14,310	15,000	H.F. 847
Legislature	823,487	785,605	785,606	823,487	785,606	823,487	
Corr & Ment Helt St					10,000		H.F. 040
Natl Conf State Leg	34,140	34,140			45,000	45,000	H.F. 847
Cloins	131,116	131,116			4,610	0	S.F. 560
Session Expenses	3,305,000	3,395,000	3,238,830	3,395,000	3,238,830	3,305,000	Standing

General Fund Status of Appropriations

	Estimated 81	Adjusted 81	Cov Recom 82	Cov Recom 83	Final Poss 82	Final Poss 83	Bill No
State Government							
Legislature							
Interim Expenses	281,000	281,000	277,615	201,000	277,615	201,000	Standing
Staff Compensation	2,117,000	2,117,000	2,018,620	2,117,000	2,018,620	2,117,000	Standing
Renov & Office Exps	119,100	119,100	50,000	50,000	50,000	50,000	Standing
Legislative Publicat'n	5,000	5,000	4,770	5,000	4,770	5,000	Standing
Dept Rules Committee	42,960	42,960	40,985	42,960	40,985	42,960	Standing
Total Legislature	6,135,316	6,135,316	5,631,820	5,900,960	5,691,435	5,945,960	
Library Commission							
Salaries, Supp, Maint	750,458	715,936	724,047	758,568	724,047	758,568	H.F. 847
Regional Library	1,030,808	983,390	983,390	1,030,808	983,390	1,030,808	H.F. 847
	1,781,266	1,699,326	1,707,437	1,789,376	1,707,437	1,789,376	
Merit Employment							
Salaries, Supp, Maint	1,287,711	1,212,476	1,228,476	1,287,711	1,176,346	1,158,526	H.F. 847
Computerization	50,000	47,699			0	0	
	1,337,711	1,260,175	1,228,476	1,287,711	1,176,346	1,158,526	
Pioneer Lawmakers							
Support, Maint, Misc	750	715			250	750	H.F. 847
Planning & Programing							
Community Affairs Sc	152,770	145,742	145,743	152,770	145,743	0	H.F. 847
Municipal Planning	25,000	23,849			0	0	
Iowa Youth Services	00,234	76,543	71,837	73,221	71,837	0	H.F. 847
Development Disab	24,755	23,616			0	0	
General Operoing	308,490	274,299	204,299	308,490	294,299	0	H.F. 847
Hud Compensation	142,486	135,831	135,032	142,486	135,032	0	H.F. 847
1975 Iowa Cons Prog	138,220	131,861	131,862	138,220	131,862	0	H.F. 847
Iowa Couincnl for Ch	59,814	57,062	57,063	59,814	57,063	0	H.F. 847
Economic Develop	25,158	24,000	24,000	25,158	24,000	0	H.F. 847
State Econ Office	16,387	15,633	10,750	11,045	10,750	0	H.F. 847
State Analyst Center	7,520	7,174			0	0	
Fed Highway Safety	76,814	73,280	60,446	70,683	60,446	0	H.F. 847
Regents Census Data	76,500	72,080			0	0	
EDA Groni	250,000	38,499	30,000	30,000	30,000	0	H.F. 047
Juvenile Victim Res	50,000	47,699			100,000	0	H.F. 847
Governors Youth Opp			715,500	750,000	715,500	0	H.F. 847
	1,434,148	1,148,168	1,686,432	1,761,887	1,786,432	0	
Science, Ia Academy							
Grants and Aids	4,500	4,292	4,293	4,500	4,283	4,500	H.F. 847
Uniform State Laws							
Support of Conference	8,800	8,395	8,395	8,800	8,395	8,800	H.F. 847
Total State Government							
Operations	27,714,027	26,782,757	27,442,150	28,124,704	27,317,376	27,092,031	
Grant and Aid	1,673,881	1,406,966	1,808,790	1,891,798	2,052,850	1,255,148	
Capitals	0	0	0	0	0	0	
Standings	8,844,910	8,712,660	8,920,659	9,415,460	8,920,820	8,415,460	
	38,232,818	36,902,383	38,171,599	30,431,062	38,291,046	37,762,639	

General Fund
Status of Appropriations

	Estimated 81	Adjusted 81	Cov Recom 82	Gov Recom 83	Final Pass 82	Final Pass 83	Bill No
Trans 6 Low Enforce							
Crime Commission, Ia							
Salaries, Supp, Maint	50,000	47,699			0	0	
Juvenile Justice	19,261	18,374			37,840	48,935	H.F. 850
Criminal Justice	115,969	110,634			234,000	260,000	H.F. 650
Statistical Anyl Cen					88,350	103,710	H.F. 850
Jail Standards					100,000	0	H.F. 850
	185,230	176,707	0	0	470,190	412,645	
Law Enforcement Acad							
Salaries, Supp, Maint	661,820	625,234	525,788	542,571	665,750	686,442	H.F. 850
Mississippi River Pk							
Salaries, Supp, Maint					15,000	15,000	H.F. 850
Public Defence, Dept							
Military Division							
Salaries, Supp, Maint	2,078,886	1,983,257	2,256,288	2,351,918	2,256,288	2,351,918	H.F. 850
Adjutant Gen & Staff	240,969	228,884	207,676	218,761	207,676	218,761	H.F. 850
Standings	100,000	95,399	100,000	100,000	100,000	100,000	Standing
St Ofc of Disaster	2,417,855	2,308,540	2,563,964	2,670,679	2,563,964	2,670,679	
Salaries, Supp, Maint	129,998	124,018	126,692	133,672	110,250	110,250	H.F. 850
Total Public Defence, Dept	2,549,853	2,432,558	2,690,656	2,803,351	2,674,214	2,780,929	
Public Safety, Dept							
Administration							
Salaries, Supp, Maint	4,481,892	4,232,724	4,237,934	4,444,101	4,125,434	4,307,000	H.F. 050
Criminal Invest							
Salaries, Supp, Maint	3,666,861	3,498,185	3,535,976	3,704,652	3,660,000	3,801,000	H.F. 850
Iowa Crime Prev Inc	27,500	26,234			0	0	
Lease Equipment					26,250	26,250	H.F. 850
Crime Laboratory					180,000	180,000	H.F. 850
Inspection & Security	3,694,361	3,524,419	3,535,976	3,704,652	3,866,250	4,007,250	
Salaries, Supp, Maint	1,342,583	1,280,824	1,351,347	1,413,106	1,281,347	1,340,250	H.F. 850
Highway Patrol							
Salaries, Supp, Maint	13,947,412	13,305,831			15,152,829	15,535,955	H.F. 850
Fuel Contingency					100,000	100,000	
Total Public Safety, Dept	23,466,248	22,343,798	125,257	9,561,859	24,525,860	25,280,455	
Transportation, Dept							
Salaries, Supp, Maint	5,680,176	5,232,887	2,114,750	2,216,721	5,278,205	5,380,176	H.F. 850
RR Improvement Prog	1,800,000	1,717,199	1,000,000	1,000,000	1,000,000	1,000,000	H.F. 850
Public Transit Aid	2,000,000	1,807,996	1,908,000	2,000,000	1,908,000	1,908,000	H.F. 850
Gas Tax Sup (Casah)	1,000,000	953,999			0	0	
Great River Road	100,000	65,399	85,400	100,000	95,400	05,400	H.F. 050
Personal Delev Serv	105,000	100,169	75,000	75,000	60,000	60,000	H.F. 850
Total Trans 6 Low Enforce	10,685,176	10,007,652	5,193,150	5,391,721	8,341,605	8,443,576	
Operations	32,443,327	30,715,785	14,356,451	15,024,502	33,429,219	34,465,647	
Grant and Aid	4,800,000	4,579,187	2,008,000	3,000,000	3,000,000	2,908,000	
Capitals	0	0	0	0	0	0	
Standings	305,000	280,967	270,400	275,000	255,400	255,400	
	37,548,327	35,585,949	17,534,851	18,299,502	36,692,619	37,620,047	

Trust Fund

	Estimated 81	Gov Recom 82	Gov Recom 03	Final Poss a2	Final Pose 83	Bill No	
Agriculture, Dept of Fertilizer Fund Administrative Divs. Laboratory Division	36.235 <hr/> 508,404 544,630	31,393 <hr/> 549,515 580,908	32,104 <hr/> 562,240 594,344	31,393 <hr/> 549,515 580,908	32,104 <hr/> 562,240 504,344	S.F.	553
Commercial Feed Administrative Divs Laboratory Division	36.235 <hr/> 580,971 617,206	31,393 <hr/> 609,735 641,128	32,104 <hr/> 621,418 653,522	31,393 <hr/> 608,735 641,128	32,104 <hr/> 621,418 653,522	S.F.	553
Dairy Trade Proc Administrative Divs	58.135	59,748	61,238	59,748	61,238	S.F.	553
Pesticide Fund Laboratory Division Agriculture, Dept of	351.349 <hr/> 1,571,329	372,443 <hr/> 1,654,227	381,754 <hr/> 1,690,858	372,443 <hr/> 1,654,227	381,754 <hr/> 1,690,858	S.F.	553
Conservation Comm Fish & Game Fund	8,681,606	9,128,354	9,410,395	9,128,354	9,410,395	S.F.	553
Job Services of Iowa IPERS	1,802,265	1,941,912	2,099,175	1,941,912	2,099,175	S.F.	548
Revenue, Dept of Motor Veh Fuel Tax	903.873	958.535	859.535	659.535	658.535	S.F.	540
Transportation, Dept Aeronautics Fund Operations	465.330	414.156	425,270	360,156	371,270	H.F.	050
Primary Road Fund Operations	100,728,758	104,920,911	107,059,854	102,814,911	105,763,854	H.F.	850
Additional Equipment	350,000	350,000	350,000	225,000	225,000	H.F.	850
Replenish Equip	3,500,000	4,000,000	4,000,000	3,500,000	3,500,000	H.F.	850
Merit Employment	284,400	313,500	342,000	313,500	342,000	H.F.	850
Unemployment Comp	166,000	190,000	213,750	327,750	213,750	H.F.	850
Workers Comp	261,000	285,000	285,000	427,500	427,500	H.F.	850
Capital	0	887,000	0	330,000	0	H.F.	850
U of Iowa Road	0	0	0	150,000	0	H.F.	850
	<hr/> 105,290,158	<hr/> 110,046,411	<hr/> 112,250,604	<hr/> 108,088,661	<hr/> 110,472,104		
Road Use Tax Fund Operations	9,242,253	14,236,873	14,845,466	11,073,418	11,682,011	H.F.	850
Merit Employment	15,600	16,500	18,000	16,500	18,000	H.F.	850
Unemployment Comp	8,000	10,000	11,250	17,250	11,250	H.F.	850
Workers Comp	14,000	15,000	15,000	22,500	22,500	H.F.	850
U of Iowa Road	0	0	0	850,000	0	H.F.	850
	<hr/> 9,280,853	<hr/> 14,278,373	<hr/> 14,889,716	<hr/> 11,079,668	<hr/> 11,733,761		
Transportation, Dept	<hr/> 115,038,341	<hr/> 125,638,940	<hr/> 127,565,590	<hr/> 120,428,485	<hr/> 122,577,135		

ESL-

1964-65

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A P P R O P R I A T I O N B I L L S U M M A R Y

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SF. 548
Sec. 1.4 Accountancy, Board of

The bill appropriates funds of \$262,600 for FY 1982 and \$288,815 for FY 1983 for salaries, support and maintenance at the FY 1981 level. It also requires the board to include rent expenses in their reported expenditures. (See page 17)

Aging, Commission on the

H.F. 851
Sec. 1
Sec. 1.1 The bill appropriates funds for the 1981-83 Biennium for the following programs:

State Agency Administration: This section appropriates \$180,561 in FY 1982 and \$188,900 in FY 1983 and authorizes 29.25 FTE positions. (See page 13)

Sec. 1.2 Area Agencies on Aging: The bill appropriates \$112,190 in FY 1982 and \$117,600 in FY 1983 to maintain the administration of the area agencies at the FY 1981 service level. (See page 13)

Sec. 1.3 Senior Citizen Employment Program: This section appropriates \$103,032 in FY 1982 and \$108,000 in FY 1983 to fund job placement services and part-time employment for senior citizens. (See page 13)

Sec. 1.4 Older Iowan's legislature: This section appropriates \$13,356 in FY 1982 and \$14,000 in FY 1983 to fund the model legislature for older Iowans. (See page 13)

Sec. 1.5 Elderly Services (formerly Elder Care): This section appropriates \$763,200 in FY 1982 and \$800,000 in FY 1983 to purchase chore, telephone reassurance, adult day care and home repair services to the elderly. Additional language allows the commission to supplement federal funds for social services to the elderly. (See page 13)

SF. 553
Sec. 1, 2 Agriculture, Department of

This bill appropriates \$4,642,327 for FY 1982 and \$4,867,565 for FY 1983 from the General Fund to finance the operations of the Administrative, Regulatory, and laboratory Divisions. The bill makes the Administrative Division appropriation contingent upon execution of a 28E agreement with the Development Commission specifying their respective marketing and promotion responsibilities. In addition, the bill requires solicitation of private financial support for agricultural promotion activities and requires annual subscription fees for regular publications. The bill also provides for temporary suspension of the food service inspection requirement of twice annually in favor of once annually. The bill also appropriates from various trust funds for certain operations and from the General Fund for brucellosis aid to individuals. (See page 15)

SF. 548
Sec. 1.1 Architectural Examiners, Board of

The bill appropriates funds of \$45,756 for FY 1982 and \$46,246 for FY 1983 for salaries, support and maintenance at the FY 1981

level. It also requires the board to include rent expenses in their reported expenditures. (See page 17)

SF. 305
Sec. 37.2 Administrative Rules Coordinator

The bill reduces the operations funding for this department by \$1,000 for FY 1981.

H.F. 847
Sec. 3.5 The bill appropriates \$60,039 for FY 1982 and \$62,934 for FY 1983 to maintain the FY 1981 programs. (See page 20)

H.F. 847
Sec. 1.1 Appellate Defender, Office of

The bill appropriates \$100,000 for FY 1982 to establish a revolving fund for the office. The revolving fund is to be maintained by billing the individual counties for services performed by the office. (See page 20)

H.F. 847
Sec. 1.2 Arts Council, Iowa

The bill appropriates 1291.113 for FY 1982 and \$305.150 for FY 1983 to maintain the FY 1981 programs. (See page 20)

SF. 548
Sec. 2.1

Auditor of State

The bill appropriates funds of \$1,462,768 for FY 1982 and \$1,533,301 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 17)

SF. 548
Sec. 2.2

Banking Department

The bill appropriates funds of \$2,627,368 for FY 1982 and \$2,721,893 for FY 1983 for salaries, support and maintenance which allows upgrading the examiner positions within the department. (See page 17)

SF. 548
Sec. 2.3

Beer and liquor Control Department, Iowa

The bill appropriates funds of \$15,786,931 for FY 1982 and \$16,539,864 for FY 1983 for salaries, support and maintenance at FY 1981 level plus increased utility costs. It is the intent of the General Assembly that all state liquor stores in operation as of April 1, 1981 shall continue in operation. (See page 17)

Sec. 11

This section amends Section 123.27, 1981 Code, pertaining to legal holidays. This change gives the Director of the Iowa Beer and Liquor Control Department authority, with the approval of the Executive Council, to allow liquor sales on certain legal holidays. Presently, the liquor stores have to be closed on all legal holidays regardless of the paid holiday schedule set by the Executive Council.

Accountancy - Beer & Liquor

Sec. 12 This section amends Section 123.28. 1981 Code, and exempts the employees of the Department from Chapters 321.25 and 321.26 of the Code in the regular course of their employment. The truck drivers can continue to make deliveries requiring them to be gone for more than twelve hours during any twenty-four hour period without being relieved from duty for ten consecutive hours or where a driver puts in twelve hours of driving out of any period of twenty-four hours, though not consecutive, the employee does not have to be given at least eight hours off duty.

Blind Commission, Iowa

S.F. 305
Sec. 3 The state appropriation for fiscal year 1981 was reduced by \$75,000. This reduction will be in addition to the 4.6 percent reduction that was authorized by Executive Order 35. For 1981, the Blind Commission was originally appropriated \$942,000. The reductions mandated by S.F. 305 and the Executive Order reduced the annual appropriation to \$839,150, a 12 percent total reduction.

S.F. 552
Sec. 1 The state appropriations for the 1981-83 Biennium of \$893,900 and \$920,800 supplement anticipated federal monies and other income for salaries, support and maintenance of existing programs. This appropriation provides funding for eleven positions for the 90/10 federally supported program for older and severely handicapped blind Iowans who need assistance. (See page 10)

Campaign Finance Disclosure Commission

S.F. 548
Sec. 2.4 The bill appropriates funds of \$106,911 for FY 1982 and \$111,859 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 17)

Capitol Planning Commission

H.F. 847
Sec. 1.4 The bill appropriates \$3,500 for each year of the 1981-83 Biennium for per diem and travel expenses of commission members. The intent section states that all plans for construction or renovation shall be submitted to the commission before the work is begun. (See page 20)

Citizens' Aide, Iowa

H.F. 847
Sec. 1.5 The bill appropriates \$203,502 for FY 1982 and \$213,315 for FY 1983 to maintain the FY 1981 programs. (See page 20)

Civil Rights Commission

H.F. 851
Sec. 2.1 The bill appropriates \$584,924 in FY 1982 and \$612,183 in FY 1983 to maintain programs at the FY 1981 level. Twenty-five FTE positions have been authorized, reflecting a reduction of ten positions resulting from a loss in federal funds. (See page 13)

College, Aid Commission, Iowa

S.F. 552
Sec. 2.1
Sec. 12.13.14 General Office: The state appropriations for the 1981-83 Biennium of \$317,595 and \$341,704 are supplemented by anticipated federal funds for salaries, support and maintenance of existing programs. Corrective changes to Section 261.35, Code, will allow the Commission to administer the new federally sponsored Loan to Parents Program. (See page 10)

Sec. 2.2 Tuition Grant Program: The state appropriations for the 1981-83 Biennium of \$2,071,500 and \$2,750,000 are in addition to \$12,000,000 standing limited funds available for this program. This need-based program equalizes student tuition at private institutions in Iowa compared to tuitions charged at state institutions. (See page 10)

Sec. 2.3 Vocational Technical Tuition Grant Program: The state appropriations for the 1981-83 Biennium of \$79,300 and \$100,000 are in addition to the \$350,000 standing limited appropriation for this program. This need-based program assists Iowa students enrolled in career education courses at merged area schools. (See page 10)

Sec. 3, 11 Optometric Assistance Program: The state appropriations for the 1981-83 Biennium of \$90,000 and \$60,000 are to continue the seat purchase program for students that were enrolled in optometric schools for FY 1981. Funding would apply to three classes of students in FY 1982 and two classes of students in FY 1983. Submittal of financial audits to the Legislative Fiscal Bureau is required. (See page 10)

Sec. 4, 10 College of Osteopathic Medicine and Surgery: The state appropriation of \$450,000 for each year of the 1981-83 Biennium will guarantee that at least 30 percent of the College enrollment in the second and third year classes in FY 1982 and the third and fourth year classes in FY 1983 will be composed of Iowa residents. Provisions for payment of this subvention require delivery of specific financial audits to the Legislative Fiscal Bureau. (See page 10)

Sec. 5 Podiatry Assistance Program: The state appropriation of \$40,000 and \$20,000 will purchase ten seats in podiatry school(s) for FY 1982 and five seats in FY 1983. Delivery of financial audits to the Legislative Fiscal Bureau is required. (See page 10)

Sec. 6 National Guard Enlistment Program: The state appropriation of \$25,000 for each year of the 1981-83 Biennium provides tuition assistance to eligible members of the Guard who are enrolled in an Iowa post-secondary educational institution. (See page 10)

Sec. 15 State of Iowa Scholarship: The state appropriations for the 1981-83 Biennium of \$333,900 and \$350,000 are to provide support for the grant program to meritorious students enrolled at post-secondary institutions in Iowa. (See page 10)

Commerce Commission, Iowa State

H.F. 398
Sec. 1

The bill ~~changes~~ the schedule for ~~bill~~ ^{general} expenses back to the utility companies. Instead of an ~~annual~~ ^{annual} billing at the end of each fiscal year, the agency would charge the utility companies ~~semi-annually~~, with money deposited to the General Fund. An estimated ~~\$800,000~~ would be received in FY 1981. (See page 17)

Sec. 2

This section provides a ~~supplemental~~ appropriation of ~~\$200,000~~ for FY 1981 to be used to hire consultant services for current and anticipated rate cases between publication of this bill and the end of FY 1981. This ~~money~~ will be recovered ~~from~~ the utility whose rates are being reviewed.

S.F. 548
Sec. 2.5a

General Administration Division: The bill appropriates funds of \$413,846 for FY 1982 and \$395,621 for FY 1983 for salaries, support and ~~maintenance~~ at the FY 1981 level. (See page 17)

Sec. 2.5b

Warehouse Division: This section appropriates funds of \$869,561 for FY 1982 and ~~\$801,705~~ for FY 1983 for salaries, support and maintenance including nine additional inspectors and two additional clerical staff. (See page 17)

Sec. 2.5c

Utilities Division: This section appropriates funds of \$2,764,674 for FY 1982 and \$2,515,473 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 17)

H.F. 771

This bill amends Chapter 426, 1981 Code, which regulates utility companies. Under the ~~new~~ law the Iowa State Commerce Commission will set interim rates for utilities during the investigation of a rate request. A ten-month deadline is set for completion of cases.

The ~~Commission~~ will be able to require utilities to collect rates under bond for up to six months of rate reduction cases. Under present law, a utility is not required to refund any excessive rates under a rate reduction case and can only be ordered to reduce rates ~~after completion~~ of the entire process.

The ~~bill~~ requires strengthening the compliance auditing section, studying the advertising cost of the utilities and exempting small water and a telephone companies.

H.F. 771 creates a standing unlimited appropriation enabling the ~~Commission~~ to employ additional temporary or permanent staff, or to contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public ~~utility~~ whose rates are being reviewed.

Comptroller, State

S.F. 305
Sec. 29

The bill reduces the FY 1981 appropriation to the Salary Adjustment Fund by ~~\$1,700,000~~.

S.F. 548
Sec. 2.6a

General Office: The bill appropriates funds of ~~\$1,208,150~~ for FY 1982 and \$1,267,465 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 17)

*Item Veto

Sec. 2.6b

Division of Data Processing: This section appropriates funds of ~~\$5,777,681~~ for FY 1982 and ~~\$5,977,943~~ for FY 1983 for salaries, support and maintenance. (See page 17)

Sec. 4

County Government Assistance Fund: This section appropriates \$5,103,900 for FY 1982 and \$5,350,000 for FY 1983 to be used for state assistance to counties. The State Comptroller, before making such distribution, shall credit to the County Finance Committee on July 1, 1981, and on July 1, 1982, the sum of 549,330. (See page 17)

Sec. 5

Municipal Assistance Fund: This section appropriates \$13,976,100 for FY 1982 and \$14,650,000 for FY 1983 to be used for state assistance to municipalities. The State Comptroller, before making such distribution, shall credit to the City Finance Committee on July 1, 1981 the sum of \$10,303 and on July 1, 1982 the sum of \$10,800. (See page 17)

H.F. 875

Salary Adjustment Fund: The bill appropriates salary adjustment funds for state employees and for persons employed in state funded programs. Funds are appropriated from the General Fund, Road Use Tax Fund and Primary Road Fund. Additionally, the standing unlimited appropriation to the Peace Officers' Retirement Fund is modified to a line item appropriation. (See page 17)

This appropriation fulfills the bargaining agreement for contract employees which specifies a uniform eight percent salary adjustment for each year of the fiscal biennium. Non-contract state employees will receive an average eight percent salary adjustment. Allocations to state funded programs are made on the basis of the state's pro-rata contribution to that program's total salary budget. Following is a summary of the General Fund allocations as provided in H.F. 875:

	FY 1982	FY 1983
Contract/ Non-Contract	\$ 43,839,000	\$ 86,999,000
Judges	649,750	1,350,250
Merged Area Schools	3,320,000	6,803,000
Community Corrections	597,000	1,222,000
Regional Libraries	100,000	100,000
Substance Abuse	200,000	
Nurses	230,000	471,000
Peace Officers' Retirement	2,299,140	24 10,000
Shorthand Reporters	102,137	209,668
Total	\$ 51,337,027	\$ 99,564,918

S.F. 113

This bill transfers all monies in and deposits to the Military Tax Credit Fund to the General Fund beginning with the effective date of the Act and ending June 30, 1983. Payment of claims for military tax credits will be ~~made~~ from the State General Fund during this time period. Beginning July 1, 1983, on May 31 of each year, the State Comptroller is to transfer to the General Fund any funds in the Military Tax Credit Fund not necessary for payment of claims.

It is estimated that transfers to the General Fund will be \$6.3 million in FY 1981, 53.8 million in FY 1982 and \$4.1 million in FY 1983.

Commerce Commission - Comptroller

Conservation Commission, State

S.F. 305
Sec. 16.17
Sec. 22-26
This bill reduces the FY 1981 General Fund appropriation by \$15,750 to recapture expected salary savings in the Administration Division. eliminates funding (\$37,500) for the Great River Road Study, and provides for early reversion of capital improvement funds (\$725,200) from earlier appropriations.

S.F. 553
Sec. 3-6
This bill appropriates \$5,567,071 for FY 1982 and \$5,832,369 for FY 1983 from the General Fund to finance operations of the lands and Waters Division, Administration Division, Preserves Board, River Basin Commissions, and Green Thumb Program. It also appropriates \$9,182,354 for FY 1982 and \$9,410,395 for FY 1983 from the Fish and Game Protection Fund to finance operations of the Fish and Wildlife and Administration Division and capital projects. The bill also provides for appropriation of marine fuel tax funds for the Recreational Boating Program. Guidelines for transfer of funds, deposit of various receipts, development of lake conservation priorities, and commission travel by state aircraft are provided. The bill also provides for funds (\$33,390 for FY 1982 and \$35,000 for FY 1983) to make school tax payments for open spaces land owned by the state. (See page 15)

Council of State Governments

H.F. 847
Sec. 1.6
The bill appropriates \$41,200 for FY 1982 and \$44,600 for FY 1983 for Iowa's organizational membership assessment. (See page 20)

Credit Union Department

S.F. 548
Sec. 2.7
The bill appropriates funds of \$452,806 for FY 1982 and \$481,738 for FY 1983 for salaries, support and maintenance. It is the intent of the General Assembly that the Credit Union Department be allowed one additional examiner in each fiscal year of the fiscal biennium. This bill also requires the Department to include rent expenses in their reported expenditures. (See page 17)

Crime Commission, Iowa

H.F. 850
Sec. 3
The bill appropriates \$371,840 for FY 1982 and \$308,935 for FY 1983 for crime prevention. Included in this amount is \$234,000 for FY 1982 and \$260,000 for FY 1983 for state criminal justice planning for salaries and support, \$37,840 for FY 1982 and \$48,935 for FY 1983 for juvenile justice planning for salaries and support, and \$100,000 for FY 1982 for jail standards development, jail training, and technical assistance. The Crime Commission will receive fewer LEAA dollars than were received in FY 1981. The portion of federal funds is approximately \$1,600,000 for FY 1982. (See page 23)

Development Commission, Iowa

S.F. 305
Sec. 18
This bill reduces the FY 1981 appropriation by \$90,000 to recapture expected salary savings resulting from the hiring freeze.

S.F. 553
Sec. 7
This bill appropriates \$2,222,351 for FY 1982 and \$2,285,725 for FY 1983 from the General Fund for the operations of the department. The bill provides for allocation of \$31,500 for the tourism districts, operation of the international office, restrictions for travel by commissioners on state aircraft, and solicitation of private financial support for agricultural promotion activities. The bill also makes this appropriation contingent on a 28E agreement between the Development Commission and the Department of Agriculture specifying agricultural marketing and promotions responsibilities. (See page 15)

Educational Television (IEBN)

S.F. 552
Sec. 7
The state appropriations for the 1981-83 Biennium of \$4,817,603 and \$5,045,076 are for salaries, support and maintenance of current programs. This funding level reflects the anticipated increase in utility costs. (See page 10)

S.F. 575
Sec. 2
The state appropriation of \$100,000 for FY 1982 is to be utilized to match federal funds for the construction of two translator stations in areas that do not presently receive the IEBN signal. (See page 10)

Employment of the Handicapped, Committee on

H.F. 851
Sec. 2.3
The bill appropriates \$108,554 in FY 1982 and \$113,788 in FY 1983 to maintain programs at the FY 1981 level. It authorizes four FTE positions, reflecting a reduction of one from the prior fiscal year. (See page 13)

Energy Policy Council, Iowa

S.F. 553
Sec. 8
This bill appropriates \$436,985 for FY 1982 and \$457,385 for FY 1983 from the General Fund for general operations, the Public Buildings Energy Conservation Program, and the standby state Fuel Set-Aside Program. (See page 15)

Engineering Examiners, Board of

S.F. 548
Sec. 1.5
The bill appropriates funds of \$124,716 for FY 1982 and \$128,290 for FY 1983 for salaries, support and maintenance at the FY 1981 level. It also requires the board to include rent expenses in their reported expenditures. (See page 17)

Environmental Quality, Department of

S.F. 305
Sec. 20 This bill reduces the FY 1981 appropriation by \$200,000 to recapture expected salary savings resulting from vacancies.

S.F. 553
Sec. 9 This bill appropriates \$3,961,402 for FY 1982 and \$4,070,190 for FY 1983 from the General fund to finance general operations and the sewer works construction grants provided to local jurisdictions. Intent language is included to restrict the DEQ from requiring the installation of grain dust control equipment on certain grain storage facilities. (See page 15)

Executive Council, Iowa

S.F. 305
Sec. 40 The bill reduces the funds available to the Department by \$750 for FY 1981.

Sec. 43 This section reduces the state's portion of funding available for the 24th Street and Stange Road widening project in the City of Ames by \$23,000 for FY 1981.

H.F. 847
Sec. 1.7 The bill appropriates \$54,361 for FY 1982 and \$56,982 for FY 1983 to maintain the FY 1981 programs. (See page 20)

Fair Board, State

S.F. 305
Sec. 21 This bill reduces the FY 1981 general fund appropriation for state aid to local fairs by \$2,670.

S.F. 553
Sec. 10 This bill appropriates \$274,500 for each year of the 1981-83 Biennium from the General Fund to finance building and grounds maintenance, state fair premiums, and state aid to local fairs. (See page 15)

General Services, Department of

S.F. 305
Sec. 42 The bill reduces the funds available for the renovation of the Robert Lucas Building by \$1,000,000 for FY 1981.

H.F. 847
Sec. 2.1a The bill appropriates \$4,187,717 for FY 1982 and \$4,396,798 for FY 1983 to maintain current programs. This section also transfers the jurisdiction of the statehouse tour guides to the Legislative Council. (See page 20)

Sec. 2.1b This section appropriates \$2,098,375 each year of the 1981-83 Biennium to pay the cost of utilities for the Capitol Complex. (See page 20)

Sec. 2.2 Revolving Funds: This section authorizes the expenditures from the revolving-funds for Centralized Printing, Centralized Purchasing and the Vehicle Dispatcher.

Sec. 8 This section authorizes the director to request moving expenses for state agencies from the Executive Council if the agencies do not have funds appropriated for that purpose.

Sec. 9 This section deletes the requirement for the salary book to be printed.

S.F. 548
Sec. 9

Sec. 10

S.F. 553
Sec. 11.1

S.F. 305
Sec. 37.1

H.F. 847
Sec. 3

H.F. 847
Sec. 4

S.F. 305

Sec. 8

Sec. 9

Sec. 10

The bill sets out the rental fees to be charged the listed boards and commissions by the Department of General Services.

This section places the authority with the Department of General Services to charge rental fees to those boards and commissions mentioned in Section 9.

Geological Survey, Iowa

This bill appropriates \$1,164,615 for FY 1982 and \$1,210,388 for FY 1983 from the General Fund for operations of the survey. The section requires the IGS to study the feasibility of a user charge system to recover costs from services provided to state agencies. (See page 15)

Governor, Office of the

Ad Hoc Committees, Councils and Task Forces: The bill reduces the funds available for this program by \$20,000 for FY 1981.

The bill appropriates \$572,859 for FY 1982 and \$598,470 for FY 1983 for general operations, and \$5,724 for FY 1982 and \$6,000 for FY 1983 for expenses connected with the office. Terrace Hill operations are appropriated \$176,160 for FY 1982 and \$184,594 for FY 1983. The ad hoc committees' and task forces' expenses are allocated \$25,000 each year of the 1981-83 Biennium. (See page 20)

Governor, Lieutenant

The bill appropriates \$85,971 for FY 1982 and \$90,116 for FY 1983 to maintain the FY 1981 programs. (See page 21)

Health, Department of

The bill reduces FY 1981 appropriations to the following divisions:

Central Administration: The section reduces the appropriation by \$10,537 for positions held open during the year.

Health Facilities Division: This section reduces the appropriation by \$11,782 by eliminating one position for the remainder of the year.

Health Planning: This section reduces the health planning appropriation by \$8,920 and the certificate of need appropriation by \$4,066 for positions held open during the year.

Disease Prevention Division: This section reduces the appropriation by \$22,827 for positions held open during the year.

Records and Statistical Division: This section reduces the appropriation for the division by \$8,524 for positions held open during the year.

Environmental Quality - Health

- Sec. 11 Licensing and Certification Division: This section reduces the appropriation by \$31,551 by eliminating four positions and reducing the hearing fund.
- Sec. 12 Personal and Family Health Division: This section reduces the appropriation by \$18,794 for positions held open during the year.
- Community Health Division: This section reduces the appropriation by \$29,548 for positions held open during the year and reductions in renal disease assistance.
- Rape Investigations: This section reduces the appropriation by \$19,455 which is an anticipated reversion.
- Sudden Infant Death Syndrome: This section reduces the appropriation by \$13,712 which is an anticipated reversion.
- H.F. 831 The bill appropriates supplemental funds of \$20,400 for Sec. 2 FY 1981 to the Licensing and Certification Division to reinstate four barber/cosmetology inspectors.
- H.F. 851 The bill appropriates funds for the 1981-83 Biennium to the Sec. 4 following divisions and programs:
- Sec. 4.1 Administration: This section appropriates \$833,143 in FY 1982 and \$873,870 in FY 1983 and authorizes 68.25 FTE positions. This division is the result of a merger of the former central administration office of management and budget, and records and statistics divisions. (See page 13)
- Sec. 4.2 Health Facilities: This section appropriates \$530,994 in FY 1982 and \$557,732 in FY 1983 and authorizes 59.75 FTE positions for each year. (See page 13)
- Sec. 4.3 Health Planning and Development: This section appropriates \$236,365 in FY 1982 and \$248,907 in FY 1983 and authorizes 22.5 FTE positions for each year. This division is the result of a merger between the former health planning and certificate of need divisions. (See page 13)
- Sec. 4.4 Disease Prevention: This section appropriates \$840,474 in FY 1982 and \$881,833 in FY 1983. It authorizes 52 FTE positions for each fiscal year and allows the department to employ an environmental specialist for the Radiation Program with federal funds. (See page 13)
- Sec. 4.5 Licensing and Certification: This section appropriates \$525,068 in FY 1982 and \$542,648 in FY 1983 and authorizes 16 FTE positions for each year. It requires that the licensing boards adjust their fees to reflect actual expenditures and requires the department to charge rental expenses. (See page 13)
- Sec. 4.6 Personal and Family Health: This section appropriates \$605,691 in FY 1982 and \$634,613 in FY 1983 and authorizes 52.4 FTE positions. It increases the appropriation to the Perinatal and Birth Defects/Genetic Counseling Programs to bring them up to the current level of services. (See page 13)
- Sec. 4.7a Community Health: This section appropriates \$1,445,824 in FY 1982 and \$1,484,092 in FY 1983 and authorizes 48.45 FTE positions. It includes an appropriation of \$30,000 to fund four regional supervisory nurses through September 30, 1981. In addition, the bill specifies that \$862,644 in FY 1982 and \$930,912 in FY 1983 shall be

- allocated to the Chronic Renal Disease Program and it lists the services which are eligible for reimbursement. The department is required to keep program expenditures within those allocations. (See page 13)
- Sec. 4.7b Sexual Abuse Investigations: This section appropriates \$40,500 in each fiscal year to cover the expense of medical procedures required by Section 709.10, 1981 Code. (See page 13)
- Sec. 4.7c Sudden Infant Death Syndrome: This section appropriates \$25,200 in each fiscal year to cover the expense of autopsies of suspected victims of sudden infant death as required under Section 339.7, 1981 Code. (See page 13)
- Sec. 4.7d In-Home Health Care Grants: This section appropriates funds for grants to local boards of health for in-home health care to low-income and elderly persons in the state. (1) For the homemaker-home health aide program, \$1,562,207 is appropriated in FY 1982 and \$1,621,862 is appropriated in FY 1983. (2) For the public health nursing program, \$1,640,019 is appropriated in FY 1982 and \$1,719,098 is appropriated in FY 1983. The bill also specifies the conditions under which the grants shall be distributed to the local boards of health and requires the Department of Health, Department of Social Services and Commission on the Aging to prepare a plan for the integration of state homemaker services. (See page 13)
- Sec. 4.7e Well-Elderly Clinics: This section appropriates \$202,248 in FY 1982 and \$212,000 in FY 1983 for the development and maintenance of well-elderly clinics in the state. (See page 13)
- Historical Department
- S.F. 305 Historical Society Division: The bill reduces the funds Sec. 39a available for this program by \$5,000 for FY 1981.
- Sec. 39b Historic Preservation Division: This section reduces the funds available for this program by \$5,500 for FY 1981.
- Sec. 39c Historic Museum and Archives Division: This section reduces the funds available for this program by \$10,000 for FY 1981.
- H.F. 847 Historical Society Division: The bill appropriates \$410,669 Sec. 5.1 for FY 1982 and \$427,078 for FY 1983 to maintain FY 1981 level. (See Page 21)
- Sec. 5.2 Historic Preservation Division: This section appropriates \$171,746 for FY 1982 and \$179,865 for FY 1983 to maintain FY 1981 level. (See page 21)
- Sec. 5.3 Historic Museum and Archives Division: This section appropriates \$478,729 for FY 1982 and \$501,812 for FY 1983 to maintain FY 1981 level. (See page 21)
- Sec. 5.4 State Historic Board: This section appropriates \$13,500 for FY 1982 and \$13,565 for FY 1983 for per diem and expense. (See page 21)
- Sec. 5.5 This section appropriates \$500 each year of the 1981-83 Biennium for distribution to the Herbert Hoover memorial birthplace. (See page 21)

Industrial Commissioner

S.F. 548
Sec. 2.8 The bill appropriates funding of \$885,000 for FY 1982 and \$925,000 for FY 1983 for salaries, support and maintenance. It is the intent of the General Assembly that the Industrial Commissioner be allowed one additional deputy commissioner in the fiscal biennium. (See page 18)

Sec. 13 This section amends Section 86.9, 1981 Code. Currently, the Industrial Commissioner is required by law to make a biennial report which is distributed free of charge to the public upon request. This report contains the final decisions, rulings and orders of the office and other statistical data. This section of the bill will allow the Commissioner to make an annual report containing the same information. Members of the public may obtain the annual report upon payment of cost as set by the Commissioner.

Insurance Department

S.F. 548
Sec. 2.9 The bill appropriates funds of \$2,386,447 for FY 1982 and \$2,430,087 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 18)

Job Service, Iowa Department of

H.F. 761 This is enabling legislation in accordance with Section 96.9(4) to purchase a building located at 150 Oes Moines Street, Oes Moines, Iowa. The building is currently leased under a fifteen-year lease for field office operations. The lease, which would have expired November 30, 1983, contained an option to purchase in the amount of \$750,000.

The bill permits the agency to use funds accredited to the State of Iowa for the purpose of exercising the option to purchase contained in the lease agreement. The agency will hereby reduce administrative costs by \$92,316 per year upon completion of an eight-year amortization period.

No state General Fund or IPERS Trust Fund monies are involved in this acquisition or appropriation.

S.F. 548
Sec. 2.10 The bill appropriates \$128,887 for FY 1982 and \$135,102 for FY 1983 for the administration of retirement programs (except IPERS) at the FY 1981 level. (See page 18)

Sec. 7 Iowa Public Employees' Retirement System - IPERS: The bill appropriates from the IPERS Trust Fund \$1,941,912 for FY 1982 and \$2,099,175 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 24)

Judicial; Branch

S.F. 305
41

Courts: The bill reduces the funds available to the courts by \$70,000 for FY 1981.

H.F. 847
Sec. 6.1

The bill appropriates \$9,538,365 for FY 1982 and \$9,547,641 for FY 1983 to maintain the FY 1981 programs. (See page 21)

Sec. 6.2

Boards and Commission: This section appropriates \$53,712 for FY 1982 and \$54,125 for FY 1983 to maintain the FY 1981 programs. (See page 21)

Sec. 6.3

Court Administration: This section appropriates \$589,956 for FY 1982 and \$590,366 for FY 1983 to maintain the FY 1981 programs. (See page 21)

Sec. 12-15

Judicial Retirement: This section distributes the additional \$1 fee established by the 1980 General Assembly to the Judicial Retirement System rather than depositing it in the General Fund. This bill places a limit of 39 District Associate Judges.

S.F. 571

The bill relates to District Court officers, employees and filing fees and makes an appropriation.

This bill amends Section 602.18, 1981 Code, to limit the number of District Court Judges to ninety-five. Section 605.35, 1981 Code, is amended to require the Supreme Court to establish the qualifications for District Court Administrators and establishes a salary range of \$23,000-\$34,000 for the District Court Administrators. The bill further requires the Supreme Court to allot the expenses of the operations for District Court Administrators and appropriates \$600,000 for three quarters of FY 1982 and \$800,000 for FY 1983. The appropriation for additional judges is \$112,500 for FY 1982 and \$150,000 for FY 1983. These appropriations will be funded by the increased filing fees contained within this bill. (See page 21)

Justice, Department of

H.F. 847
Sec. 1.3a

Attorney General: The bill appropriates \$2,191,472 for FY 1982 and \$2,298,361 for FY 1983 to maintain the FY 1981 programs. (See page 20)

Sec. 1.3b

Prosecuting Attorney Training Program: This section appropriates \$59,058 for FY 1982 and \$62,164 for FY 1983 to maintain the FY 1981 program. (See page 20)

Sec. 1.3c

Prosecuting Intern Program: This section appropriates \$52,500 for each year of the 1981-83 Biennium to maintain the current FY 1981 training level. (See page 20)

Labor, Bureau of

S.F. 305
Sec. 38.3

The bill reduces the operating budget of the department by \$16,000 for FY 1981.

Industrial - Labor

I.F. 847
 Sec. 7.1 The bill appropriates \$1,214,659 for FY 1982 and \$1,273,035 for FY 1983 to maintain FY 1981 programs. (See page 21)

Sec. 10 This section removes the \$4,000 annual travel limit for inspectors within the department.

Landscape Architectural Examiners, Board of

.F. 548
 Sec. 1.2 The bill appropriates funds of \$15,246 for FY 1982 and \$16,771 for FY 1983 for salaries, support and maintenance. It also requires the board to include rent expenses in their reported expenditures. (See page 18)

Law Enforcement Academy, Iowa

.F. 305
 Sec. 45 The bill reduces the FY 1981 appropriation for salaries and support by \$6,142.

.F. 850
 Sec. 1.1 The bill appropriates \$665,750 for FY 1982 and \$686,442 for FY 1983 for salaries and support to maintain the current programs. (See page 23)

Sec. 22 This section amends Chapter 80B, 1981 Code, by adding that a fee shall be assessed for use of law enforcement media resources supplied or loaned by the academy.

Legislative Council

.F. 849
 Sec. 1 The bill appropriates \$10,000 to the Legislative Council for per diem and expenses of a temporary six-member advisory commission on the appropriate uses for the women's correctional and state's juvenile institutions. (See page 21)

Legislative Fiscal Bureau

.F. 847
 Sec. 7.2 The bill appropriates \$448,970 for FY 1982 and \$479,894 for FY 1983 to maintain FY 1981 programs. (See page 21)

Legislative Service Bureau

.F. 847
 Sec. 7.3a The bill appropriates \$771,296 for FY 1982 and \$808,487 for FY 1983 to operate this department. (See page 21)

Sec. 7.3b This section appropriates \$14,310 for FY 1982 and \$15,000 for FY 1983 for drafting, research and Code data processing and services. (See page 21)

This section further requires the Legislative Council to allocate staff under its jurisdiction to provide for a timely Code and a supplement providing for an annual update.

Library Department

I.F. 847
 Sec. 7.5a State Library: The bill appropriates \$724,047 for FY 1982 and \$758,568 for FY 1983 to maintain FY 1981 level. (See page 22)

Sec. 7.5b Regional Library System: The bill appropriates \$983,390 for FY 1982 and \$1,030,808 for FY 1983 to maintain FY 1981 level. (See page 22)

Medical Examiners, Board of

H.F. 831
 Sec. 1 The bill appropriates supplemental funds of \$20,980 for FY 1981 to cover increased examination expenses.

H.F. 851
 Sec. 3.1 This bill appropriates \$364,682 in FY 1982 and \$354,111 in FY 1983 and authorizes eleven FTE positions. It provides for the addition of two investigators, a state EMT/paramedic coordinator, and one clerk typist, and requires the board to include rent expenses in their reported expenditures. (See page 13)

Mental Health Advisory Council

S.F. 305
 Sec. 1 This bill reduces the FY 1981 appropriation to the Mental Health Advisory Council by \$14,000.

H.F. 849
 Sec. 9 The bill appropriates \$52,000 in FY 1982 and \$54,500 in FY 1983 to continue the operation of the Mental Health Advisory Council at the FY 1981 level. (See page 9)

S.F. 572 (See Department of Social Services-Corrections and Mental Health, Page 37.)

Mental Health Authority, Iowa

H.F. 849
 Sec. 8 The bill appropriates \$231,000 in FY 1982 and \$242,000 in FY 1983 to continue the operation of the Mental Health Authority at the FY 1981 level. (See page 9)

S.F. 572 (See Department of Social Services-Corrections & Mental Health, Page 37.)

Merit Employment

S.F. 305
 Sec. 38a The bill reduces the operating budget of the department by \$16,000 for FY 1981.

H.F. 847
 Sec. 7.6 The bill appropriates \$1,176,346 for FY 1982 and \$1,158,526 for FY 1983. These funds will cause a reduction of three state funded positions the first year and three more the second year. (See page 22)

Sec. 17 This section directs the Legislative Council to establish a committee to study the functions, operations and needs of the Merit Department.

Mississippi River Parkway Commission

H.F. 850
 Sec. 13 The bill appropriates \$15,000 for FY 1982 and \$15,000 for FY 1983 for dues and support for commission activities related to promotion of the Great River Road. (See page 23)

H.F. 847
Sec. 7.4 National Conference of State Legislatures
The bill appropriates funds for Iowa's organizational membership assessments in the amount of \$45,000 each year of the 1981-83 Biennium. (See page 21)

S.F. 553
Sec. 11.2 Natural Resource Council, Iowa
This bill appropriates \$650,015 for FY 1982 and \$683,928 for FY 1983 from the General fund to finance operations of the council and staff. The bill provides that the council can enforce its authority despite the fact that no state water plan has been approved. (See page 15)

H.F. 851
Sec. 3.2 Nurse Examiners, Board of
This bill appropriates \$446,395 in FY 1982 and \$471,463 in FY 1983 and authorizes fourteen FTE positions. It provides funds for the continuation of the Iowa Consortium for continuing nurse education which distributes information on continuing education seminars for nurses. It also requires the board to include rent expenses in their reported expenditures. (See page 13)

S.F. 548
Sec. 2.11 Occupational Safety and Health Review Commission
The bill appropriates funds of \$45,277 for FY 1982 and \$47,134 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 18)

H.F. 849
Sec. 3 Parole, Board of
The bill requires the Board of Parole to develop and use objective parole criteria to evaluate inmates being considered for parole.
Sec. 18 This section amends Section 904.1, 1981 Code, to increase the membership on the parole board from five to seven members and divides the board into hearing panels of three or more members to conduct parole hearings.

H.F. 851
Sec. 2.4 The bill appropriates \$311,247 in FY 1982 and \$324,440 in FY 1983 and authorizes fourteen FTE positions. It also allows \$32,400 to be available each fiscal year for the salaries of two additional parole board members. (See page 13)

H.F. 851
Sec. 3.3 Pharmacy Examiners, Board of
This bill appropriates \$291,757 in FY 1982 and \$291,942 in FY 1983. It authorizes eight FTE positions and continues the research program for the medicinal uses of marijuana. It also requires the board to include rent expenses in their reported expenditures. (See page 13)

H.F. 847
Sec. 7.7 Pioneer Lawmakers
The bill appropriates \$250 for FY 1982 and \$750 for FY 1983 to cover expenses for the lawmakers. (See page 22)

S.F. 305
Sec. 38a Planning and Programming, Office for
The bill reduces the operating budget of the department by \$20,000 for FY 1981.

H.F. 847
Sec. 7.8 The bill appropriates \$1,786,432 for FY 1982 to maintain operations at the FY 1981 level. (See page 22)
Sec. 16 This section directs the Program Evaluation Division of the Legislative Fiscal Bureau to conduct an evaluation of the department and report back to the General Assembly in January, 1982.

H.F. 850
Sec. 1.2 Public Defense, Department of
Military Division: This bill appropriates \$2,463,964 for FY 1982 and \$2,570,679 for FY 1983 for salaries and support. Included in this amount is \$2,256,288 for FY 1982 and \$2,351,918 for FY 1983 for salaries and support of the National Guard, and \$207,676 for FY 1982 and \$218,761 for FY 1983 for salaries and support of the Adjutant General and his staff. This bill also includes a standing appropriation of \$100,000 for compensation and expense when the National Guard is called into active service. The bill includes the intent that the Military Division review and act upon the repair, consolidation, closure, and rebuilding of armories for joint military use. (See page 23)

Sec. 1.3 Office of Disaster Services: This section appropriates \$110,250 for FY 1982 and \$110,250 for FY 1983 for salaries and support. (See page 23)

Sec. 18, 19, 20, 21 This bill amends Chapter 29A, 1981 Code, to create a National Guard Facilities Improvement Fund and a Military Operations Fund in the state treasury and provide that revenue derived from the sale or rental of National Guard real estate and buildings is credited to the funds and appropriated for use in the construction, modification, maintenance or repair of National Guard facilities. The revenue from the sale or rental of National Guard real estate and property will go to the National Guard funds instead of the General Fund.

S.F. 548
Sec. 2.12 Public Employment Relations Board
The bill appropriates funds of \$544,090 for FY 1982 and \$570,638 for FY 1983 for salaries, support and maintenance. (See page 18)

S.F. 552
Sec. 8.1a Public Instruction, Department of
General Office: The state appropriations for the 1981-83 Biennium of \$3,077,158 and \$3,225,533 are for salaries, support and maintenance of existing programs. (See page 10)
Sec. 8.5 Professional Teaching Practices Commission: The state appropriations for the 1981-83 Biennium of \$49,145 and \$51,515 are for salaries, support and maintenance of current programs. (See page 10)

NCSL - Public Instruction

Sec. 8.3 Vocational Education Administration: The state appropriation for the 1981-83 Biennium of \$775,997 and \$813,414 supplement anticipated **federal monies** for salaries, support and maintenance of existing programs. (See page 10)

Sec. 8.4 Vocational Rehabilitation: The state appropriations for the 1981-83 Biennium of \$2,483,910 and \$2,603,679 are for, salaries, support and maintenance of current programs and are matched with federal funds on an 80/20 basis. (See page 11)

Public Instruction, Department of (Area Schools)

S.F. 552
Sec. 8.10a General Aid: The state appropriations for the 1981-83 Biennium of \$45,926,991 and \$48,141,500 are the total amounts passed through the DPI to the fifteen merged area schools for maintenance of current programs. (See page 10)

Sec. 21 The organization of an interim legislative study is proposed to evaluate the allocation of state funds to the individual area schools.

Sec. 8.10b Program Continuation: The state appropriations for the 1981-83 Biennium of \$190,800 and \$200,000 are to be allocated to the area schools to continue support for new programs begun in the prior biennium. (See page 10)

Sec. 8.10c Utility Costs: The state appropriation of \$600,000 for each year of the 1981-83 Biennium is to be utilized to assist in meeting increased utility costs. (See page 10)

Sec. 8.10b Fire Service Education: This program is coordinated between the DPI, the merged area schools and Iowa State University. State appropriations of \$190,800 for FY 1982 and \$200,000 for FY 1983 are made for continued support of this program. (See page 11)

Sec. 8.10d Federal Match Funds: The state appropriations for the 1981-83 Biennium of \$8,299,800 and \$8,700,000 are to be utilized to match federal monies for continuing and new vocational education programs offered by merged area schools. (See page 10)

Sec. 8.10e, f, g Merged Area Radio Stations: The state appropriations for the 1981-83 Biennium of \$98,898 and \$103,667 are to be utilized by three radio stations for operational expenses. The radio stations are located at Merged Area V (Fort Dodge), Merged Area XII (Sioux City) and Merged Area XIII (Council Bluffs). (See page 10)

Sec. 8.6 Vocational Youth Organization Fund: The state appropriations for the 1981-83 Biennium of \$9,540 and \$10,000 continues funding to specified youth organizations as provided in the Code. (See page 10)

Public Instruction, Department of (Secondary-Elementary)

S.F. 552
Sec. 5 School Lunch Assistance: The General Fund appropriation for FY 1981 was reduced by \$181,000. This program has traditionally had high year-end reversion rates. The fund reduction mandated by this bill will not negatively affect the federal funds allocated to this program.

School Budget Review Committee: The 1981 state appropriation of \$1,300,000 was reduced to \$300,000 by this bill. The amount de-authorized was to have been utilized by the SBRC to augment unusual or unique transportation costs encumbered by local school

WF. 414

S.F. 552
Sec. 8.7

Sec. 8.9

Sec. 8.3

S.F. 552
Sec. 17.18

Sec. 8.8

districts. The SBRC was unable to develop an equitable method of allocating these funds. In the absence of a fair allocation mechanism, the SBRC chose not to distribute the funds.

Local School Aid: The state appropriations for the 1981-83 Biennium for K-12 funding is estimated at \$620.9 million and 6645.3 million. The state percentage of allowable growth applied to the per pupil cost is fixed at five percent and seven percent for FY 1982 and FY 1983. Each of the 443 school districts is guaranteed a minimum of three percent growth in its regular program budgets for FY 1982, compared to FY 1981; for FY 1983, the districts are guaranteed a program budget at least equal to FY 1982. This bill allows local districts to impose an income surtax subject to an election held prior to July 1, 1981. The maximum surtax levied is determined by the revenue deficiency between the FY 1982 regular program cost at five percent allowable growth and the FY 1982 regular program cost at 9.026 percent allowable growth. The K-12 fund bill also allows local districts to generate a cash reserve levy equivalent to 7.5 percent of its total expenditures for FY 1981. (See page 10)

School Lunch Assistance: The state appropriation for each year of the 1981-83 Biennium of \$3,300,000 is for the purpose of providing assistance to students enrolled in public and non-public schools for breakfasts, lunches and equipment purchases. The state funds are used to match federal funds on a 90/10 basis. (See page 10)

School Budget Review Committee: The state appropriation of \$200,000 for each year of the 1981-83 Biennium is to be utilized by the OPI to assist local school districts in meeting unusual or unique operating costs. (See page 10)

Vocational Education, Secondary: The \$3,574,638 and \$3,747,000 in state appropriations for the 1981-83 Biennium is to be used for aid to local school districts for development and operation of vocational programs, services and activities. These monies are combined with federal vocational education funds. (See page 10)

Public Instruction, Department of - Other Grants and Aids.

Non-Public Transportation: The standing unlimited appropriation to fund the costs of non-public transportation was modified to a line item appropriation for the biennium. The amount appropriated for FY 1982 is \$4,437,000 and \$4,650,900 for FY 1983. Following FY 1983, funding for this program returns to a standing unlimited appropriation. (See page 10)

Non-Public Textbooks: The state appropriation for the 1981-83 Biennium of \$381,600 and \$400,000 provides funds for the cost of textbooks for resident pupils attending a non-public school. The funding is limited to \$10 per pupil but shall not exceed the comparable services provided resident public school pupils. (See page 10)

S.F. 468 Foster Care Facilities: The bill consolidated the funding for the ~~standing unlimited~~ appropriations for Charitable Institutions and Boarding Homes. These funds are utilized to pay the tuition and transportation expenses of children who are cared for in these institutions. The provisions of this bill would eliminate the potential for double counting students by the local district and the institution. (See page 10)

Public Safety, Department of

S.F. 305 Sec. 46 The bill reduces the FY 1981 appropriation for salaries and support of the Administrative Division by \$43,000.

H.F. 850 The bill appropriates \$24,525,860 for FY 1982 and \$25,290,455 for FY 1983 for salaries and support. (See page 23)

Sec. 2.1 The administrative function receives \$4,125,434 for FY 1982 and \$4,307,000 for FY 1983 for salaries and support for administration, criminal justice information, and radio communications. This appropriation includes the intent that the Department of Public Safety increase the rental fee of telecommunications terminals by \$25 per month to local criminal justice agencies. (See page 23)

Sec. 2.2 The inspection and security function receives \$1,281,347 for FY 1982 and \$1,340,250 for FY 1983 for salaries and support for Fire Marshal inspections, arson investigations, and the Capitol Security Division. (See page 23)

Sec. 2.3 The investigation function receives \$3,866,250 for FY 1982 and \$4,007,250 for FY 1983 for salaries and support for criminal investigation, beer and liquor law enforcement, and drug law enforcement. Included in this amount is \$26,250 for each year of the 1981-83 Biennium for the lease or lease-purchase of laboratory equipment for the criminalistics laboratory, and \$180,000 for each year of the 1981-83 Biennium for salaries and support of the criminalistics laboratory. (See page 23)

Sec. 2.4 The Division of Highway Safety and Uniformed Force receives \$15,152,829 for FY 1982 and \$15,535,955 for FY 1983 for salaries and support for the highway patrol. An additional appropriation of \$100,000 for each year of the 1981-83 Biennium is made for maintenance and fuel for patrol vehicles, only to be expended upon authority of the Governor by executive order. Included with the highway patrol appropriation is the intent that if federal funds cease for the twenty additional members of the highway patrol, those twenty members shall be assigned to regular road duty and be included in the General Fund appropriation. There is also intent language in the bill that documented assists to distressed motorists and time spent at a court hearing by a highway patrol member shall be given a point value in the minimum work standard for highway patrol members assigned to road duty. (See page 23)

* Item veto

Real Estate Commission, Iowa

S.F. 548 Sec. 2.13 The bill appropriates funds of \$256,980 for FY 1982 and \$269,168 for FY 1983 for salaries, support and maintenance at the FY 1981 level. This bill also requires the board to include rent expenses in their reported expenditures. (See page 18)

Regents, Board

S.F. 305 Sec. 6 Tuition Replacement: The bill de-authorizes \$105,000 in state appropriations that were to have been utilized in FY 1981 to reimburse SUI, ISU, and UNI for capital bond financing.

S.F. 552 Sec. 9.1a General Office: The state appropriations for the 1981-83 Biennium of \$373,818 and \$391,843 are for salaries, support and maintenance for current programs. (See page 11)

Sec. 9.1b Continuing Education: The state appropriations for the 1981-83 Biennium of \$95,400 and \$100,000 are to be allocated at the discretion of the Board of Regents for continuing education programs in western Iowa. (See page 11)

Sec. 9.2-7 Institution Funding: The five institutions under the control of the Board of Regents collectively received \$253,932,188 for FY 1982 and \$267,104,363 for FY 1983 in state appropriations for salaries, support and maintenance of current programs. The line item appropriations were as follows: (See page 11)

Institution	FY 1982	FY 1983
✓ SUI-General University	\$ 92,397,351	\$ 97,294,990
✓ SUI-University Hospitals	20,819,800	22,046,392
✓ SUI-Psychiatric Hospital	4,396,714	4,608,028
✓ SUI-Hygienic Lab.	1,699,565	1,781,515
✓ SUI-Hospital School	3,945,198	3,296,067
✓ SUI-Oakdale Campus		2,016,312
✓ SUI-Family Practice Program	1,140,030	1,195,000
Subtotal-SUI	\$ 125,529,796	\$ 132,238,304
ISU-General University	\$ 76,208,384	\$ 80,161,263
ISU-Ag. Experiment Station	8,438,418	8,846,206
ISU-Coop. Extension Service	8,048,331	
Subtotal-ISU	\$ 92,695,133	\$ 97,442,971
UNI-General University	\$ 29,985,397	\$ 31,428,042
School for the Deaf	3,711,102	3,886,717
Braille & Sight Saving Sch.	2,010,760	2,108,329
Total Regents Funding	\$ 253,932,188	\$ 267,104,363

Sec. 16 Livestock Disease fund: The state appropriations for the 1981-83 Biennium of \$100,000 and \$150,000 are to be utilized for livestock disease research conducted at Iowa State University. The line item appropriations are made in lieu of the standing limited appropriation of \$300,000 per year. (See page 11)

Public Instruction - Regents

21 Session

Regents, Board of - Capitals

S.F. 575
Sec. 1

Tuition Replacement: State appropriations for the **1981-83** Biennium for ~~\$4,000,000~~ and \$4,900,000 is to be utilized to reimburse the institutions for pledging tuition and **student** fees to finance the cost of bonding for capital improvements. (See page 11)

Sec. 3

Repeal of Capital Projects: Funding for capital projects in FY 1982 at **the Regents'** institutions totaling \$12.5 million is de-authorized by S.F. 575. Funds for these capital improvements are provided through bonding authorization (see SCR 35) rather than general fund appropriations.

SCR 35

Senate Concurrent Resolution 35 authorizes the Board of Regents to sell \$58 million in revenue bonds for the construction of certain projects at **SUI, ISU** and **UNI**. The resolution restricts the sale of bonds to \$30 million during FY 1982 and \$28 million during FY 1983. Projects to be funded ~~from~~ the 1982 authorization **may** generally be characterized as emergency, safety, utility or building renovation projects.

Projects to be funded from the FY 1983 bond authorization are principally new buildings. Construction on a new building shall not be initiated unless sufficient funds are available from the FY 1983 bond sales to complete the structure. The SCR 35 lists the projects which are eligible for construction from the bond sales.

Revenue, Department of

S.F. 548
Sec. 2.14

The bill appropriates funds of **\$13,170,805** for FY 1982 and \$13,774,559 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 18)

Sec. 6

Motor Vehicle Fuel Tax Fund: This section appropriates from the ~~Motor~~ Vehicle Fuel Tax Fund to the Department of Revenue \$659,535 for each year of the **1981-83** Biennium for administration and enforcement of the motor vehicle fuel and use programs. (See page 24)

H.F. 847
Sec. 7.9

Science, Iowa Academy of
The bill appropriates \$4,293 for FY 1982 and \$4,500 for FY 1983 to supplement the publications program- (See page 22)

Secretary of State

S.F. 548
Sec. 2.15a

The bill appropriates funds of \$712,905 for FY 1982 and \$747,280 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 18)

Sec. 2.15b

This section appropriates funds of \$355,000 for FY 1982 and \$353,000 for FY 1983 to **computerize** the Uniform **Commercial** Code Division and the Corporate Division of the Secretary of State's office. (See page 18)

S.F. 562

The bill amends Chapter **26.3**, 1981 Code, and deletes the requirement for publishing the **U.S.** Census once in two daily newspapers of the state and of general circulation.

Social Services, Department of - Corrections and Mental Health

S.F. 305
Sec. 2

The bill changes the standing appropriation for the State Mental Aid Fund from **\$1,075,000** to **\$575,000** for FY 1981.

H.F. 849
Sec. 2

Community Services: The bill appropriates \$19,230,000 in FY 1982 and \$21,900,000 in FY 1983 to the Division of **Community** Services for the purposes of operating the training schools for juvenile delinquents, the state juvenile **home** at Toledo and the Iowa Veterans **Home**; the transition closing and moving costs at the Mitchellville training school which is to be closed by June 1, 1982; and for coliniunity-based services for children in need of assistance. (See page 9)

Sec. 3

Adult Corrections: This section appropriates \$47,129,165 in FY 1982 and \$47,917,500 in FY 1983 to the Division of Adult Corrections for the purposes of operating the state correctional institutions for adult men and **women** excluding funding **for** the **women's** reformatory in FY 1982; continuing **community**-based corrections programs at the FY 1981 level; continuing parole services, the civil legal assistance program for inmates, and reimbursement to counties for the temporary confinement of work release and parole violators; and establishing a standardized inmate classification system about which the department will report to the General Assembly by January 15, **1982**. (See page 9)

The bill sets a ceiling on the prison population at 2,650 and states that a prison overcrowding state of emergency shall exist whenever the population of the prison **system** exceeds the 2,650 **maximum** for 45 consecutive days. The bill establishes criteria for the parole board and the Department of Social Services to use to reduce the population to 2,550.

The Department of Social Services is required to establish and maintain treatment, training, education and habilitation services at the state correctional institutions to the extent that resources are available.

Sec. 4-7

Mental Health Resources: The bill appropriates \$52,700,000 in FY 1982 and \$54,850,000 in FY 1983 for the operations of the state hospital schools at **Glenwood** and **Woodward** and the state mental health institutes at Cherokee, Clarinda, Independence and Mt Pleasant. **It** requires the department to continue to operate the geriatric program at the Mt. Pleasant MHI as long as there is a demonstrated need and to reduce the patient population by reducing the **catchment** area. The daily charges are not to include the costs of psychiatric residency or chaplain intern programs at institutions where they are offered. The cost of care at the hospital-schools and the mental health institutes is to be billed at 80 percent after deducting client participation and other non-state funds. The non-federal share of Title **XIX** reimbursements is to be placed in the Medical Assistance Fund of the Department of Social Services. (See page 9)

Sec. 10

Mental Aid Fund: This section limits the standing appropriation to the State Mental Aid Fund established in Section 227.17, 1981 Code, to \$440,000 each year of the 1981-83 **Biennium**. (See page 9)

Sec. 11 Capital Appropriations: This section appropriates \$6,285,000 in FY 1982 and \$11,000,000 in FY 1983 for capital improvements to the institutions operated by the Department of Social Services. (See page 9)

S.F. 572* The bill reorganizes the administrative structure for the delivery and funding of mental health mental retardation and developmental disabilities services. The bill abolishes the Iowa Mental Health Authority and the Mental Health Advisory Council effective January 1, 1982 and places the duties they currently perform into the Division of Mental Health, Mental Retardation and Developmental Disabilities within the Department of Social Services. The appropriations made to the Iowa Mental Health Authority and the Mental Health Advisory Council will be transferred to the Department of Social Services on January 1, 1982, to fund the administrative costs of the division. The bill also creates a Community Mental Health and Mental Retardation Services Fund but does not make an appropriation for it.

Sec. 53 This section appropriates \$370,000 each year of the 1981-83 Giennium for reimbursement to counties for local mental health care and treatment. (See page 9)

Social Services, Department of

S.F. 305 The bill provides for the reduction, reversion and allocation of funds previously appropriated for FY 1981 by the General Assembly as noted below:

Sec. 30 Field Operations: This section reduces the FY 1981 field operations appropriation by 5193,545 by reducing funding for licensing inspection requirements under Chapters 235, 237, 237A and 238, 1981 Code, by one-half and eliminating the field staff component relating to the unemployed parent portion of the AFDC program for the last quarter of FY 1981.

Sec. 31 Aid to the Blind: This section eliminates the remedial eye program for the last quarter of FY 1981 and reduces the appropriation by \$4,500.

Sec. 32 AFDC: This section deletes the unemployed parent portion of the AFDC program for the last quarter of FY 1981. The FY 1981 appropriation is reduced by \$1,042,320.

Sec. 33 Medical Assistance: This section reduces the FY 1981 medical assistance appropriation by \$1.2 million. The reduction is due to fewer ICF bed days than originally projected and the suspension of all optional services except ICF, pharmacy, ambulance, and early periodic screening, diagnosis and treatment during June, 1981.

Sec. 34* Children's Services: Governor item vetoed, March 24, 1981.

Sec. 35 Assistance to Child Care Centers: This section suspends the allocation of funds under Chapter 237A.13, 1981 Code, for the last quarter of FY 1981. The FY 1981 appropriation is reduced by \$3,000.

Sec. 36 Administrative Rules: This section provides that administrative rules adopted pursuant to sections 30 through 35 shall be adopted under Section 17a.4, subsection 2 and Section 17a.5, subsection 2, paragraph b, subparagraph (1), 1981 Code, and shall become effective immediately upon filing.

HF. 232 The bill relates to the funding of specific programs of the Department of Social Services during the fiscal year beginning July 1, 1980 and ending June 30, 1981.

Sec. 1 AFDC: This section deletes the October 1, 1980 six percent increase in the AFDC schedule of basic needs.

Sec. 2 AFDC: This section deletes language from the Acts of the 68th General Assembly prohibiting both the reduction of AFDC grants and the establishment of eligibility criteria which would be more restrictive than the criteria required by federal regulations.

The bill eliminates from the special needs portion of the AFDC program property repair, tree removal, child care, personal services, special tax assessments, and special child in foster care visit for the last quarter of FY 1981.

The bill also deletes Iowa Administrative Rule 770-41.8(2)a and provides that the needs of a child in a nonparental home be computed on the same basis as if the child were in the home of a parent.

Sec. 3 Title XX Eligibility: This section establishes eligibility for Title XX services at thirty percent of the federal median income effective December 1, 1980.

Sec. 4 Medical Assistance: This section allows the Department of Social Services to eliminate payments under the medical assistance program during June, 1981, for the following optional services: dental services, clinic services, medical supplies, other practitioners, optometric services, pediatric services, and chiropractic services. Payments for early and periodic screening, diagnosis, and treatment shall be continued.

Sec. 5, 6 Effective Date: The bill provides that sections 1 and 2 are effective October 1, 1980 except for the special needs portion of section 2 which is effective April 1, 1981.

Sec. 7 Administrative Rules: This section provides that administrative rules adopted pursuant to this Act shall be adopted under Section 17A.4, subsection 2 and Section 17a.5, subsection 2, paragraph b, subparagraph (1) and shall become effective immediately upon filing.

S.F. 542
Sec. 1, 2 To meet the increasing caseload in AFDC, the bill appropriates \$7.1 million for AFDC and \$440,000 for Field Operations for FY 1981.

S.F. 566 The bill appropriates \$215,590,000 for FY 1982 and \$213,481,000 for FY 1983 for the administration and financing of programs other than correctional and mental health programs under the jurisdiction of the Department of Social Services as noted below. (See page 19)

*Item Veto

Social Services

- Sec. 1 General Administration: This section appropriates \$7,000,000 for each year of the 1981-83 Biennium to maintain the current programs. Funding is included for the Integrated Client Information System. (See page 19)
- Sec. 2 Field Operations: This section appropriates \$15,779,000 for each year of the 1981-83 Biennium. The Department of Social Services is directed to study county and district reorganization and submit a plan to the General Assembly by February 1, 1982. (See page 19)
- Sec. 2.1 This section directs the Department of Social Services to phase out direct homemaker service and move entirely to purchase of service.
- Sec. 2.2 This section also directs the department to work jointly with the Department of Health and the Commission on the Aging to study and make recommendations to the General Assembly by January 15, 1982, for an integrated State Homemaker-Home Health Aid Program.
- Sec. 3 Grants and Aids: This section appropriates the following:
- Sec. 3.1 AFDC: This section appropriates \$55,327,000 for each year of the 1981-83 Biennium including language that clarifies the effective date of assistance under Chapter 239, 1981 Code, eliminates the special payment for foster children returning home, eliminates the special needs portion of the AFDC Program except for IETP, required school expense (co-pay) and Conservatorship Program, directs DSS to implement cost-saving measures in the Individual Education and Training Program, eliminates the unemployed parent portion of the AFDC Program, eliminates unborn child grants, and directs DSS to adopt administrative rules relating to stepparent liability. (See page 19)
- Sec. 3.2 Medical Assistance: This section appropriates \$101,235,000 for FY 1982 and \$100,206,000 for FY 1983 including language that allows a child under twenty-one years of age who meets the eligibility criteria for the AFDC Program, except deprivation, to be eligible for Title XIX services, continues medical coverage for members of the 300 percent group, continues cost containment measures established during the 1980 Session of the Sixty-eighth General Assembly, establishes the ICF reimbursement rate at the 74th percentile (est. \$27.30), and language relating to pharmacy discounts for the Title XIX Program. (See page 19)
- Sec. 3.3 Contractual Services: This section appropriates \$1,318,000 for each year of the 1981-83 Biennium to maintain the current program. (See page 19)
- Sec. 3.4 Work and Training Program: This section appropriates \$62,000 for each year of the 1981-83 Biennium to maintain the current program. The Individual Education and Training Program portion of the WIN Program was transferred to the AFDC Program as a special need. (See pg.19)
- Sec. 3.5 Child Support Recoveries: This section appropriates \$607,000 for each year of the 1981-83 Biennium to maintain the current level of operation. The estimated recovery for FY 1982 is \$14,100,000. (See page 19)
- Sec. 3.6 State Supplementary: This section appropriates \$6,731,000 for each year of the 1981-83 Biennium. The maximum cost related rate for RCFs is increased to \$15 per day and the flat rate to \$10 per day. The bill also increases the personal need allowance for eligible RCF residents to \$39 per month. (See page 19)
- Sec. 3.7 Aid to Indians: This section appropriates \$34,000 for each year to maintain the current program. The bill allows up to ten percent of the appropriation to be used for administrative expense. (See page 19)
- Sec. 3.8 Home-Based Services: This section appropriates \$7,351,000 for each year of the 1981-83 Biennium to fund home-based treatment, subsidized adoptions, homemaker-home aid and chore services. (See page 19)
- Sec. 3.8a This section specifically allocates \$4,766,000 for homemaker and chore services.
- Sec. 3.8b This section directs the Department of Social Services to define by rule the homemaker and chore services to be delivered, eligibility for services, and provider delivering services. The bill also directs the Department of Social Services to explore the possibility of providing chore services through P.O.S. contracts with homemaker agencies.
- Sec. 3.8c This section directs the Department of Social Services to establish a fee schedule for chore service for individuals above the income and resource guidelines.
- Sec. 3.9 Foster Care: This section appropriates \$17,558,000 for each year of the 1981-83 Biennium to fund foster family home, group homes and residential facilities. AFDC-FC children are also funded from the foster care appropriation. (See page 19)
- Sec. 3.9a The foster residential reimbursement rate is increased to \$60 per day and the foster group home rate is increased to \$48 per day.
- Sec. 3.9b This section allows the Department of Social Services to use a portion of the foster care appropriation for in-home services to prevent placement of children outside their own home.
- Sec. 3.10 Community-Based Services: This section appropriates \$1,508,000 for each year of the 1981-83 Biennium to fund juvenile justice, community-based juvenile grants, child care financial assistance, domestic abuse and displaced homemakers. (See page 19)
- Sec. 3.10a This section allocates \$105,000 of the appropriation for community-based juvenile projects.
- Sec. 3.10b A total of \$250,000 of the appropriation is allocated to assist child care centers.
- Sec. 3.10c This section provides that if funds appropriated for juvenile court expenses are insufficient, the Department of Social Services shall report to the Social Services Appropriations Subcommittee and the Comptroller's office that there is a need for additional funds. The bill also establishes funding under Chapter 232.142, 1981 Code, at one-half of one percent.
- Sec. 3.10d Moneys appropriated for displaced homemakers and victims of domestic abuse shall be used as start-up funds.
- Sec. 4 Rent Subsidy: This section appropriates beginning July 1, 1981 and ending March 31, 1982, \$1,080,000 to provide shelter cost assistance to families with children deprived of support due to the unemployment of one or both parents. (See page 19)

- See. 5 This section allows the Department of Social Services to implement ~~prior month~~ budgeting after conducting a pilot project.
- Sec. 6 This section ~~directs~~ the Department of Social Services to continue pursuing the possibility of obtaining a federal grant for food stamp mailings.
- Sec. 7 This section directs the department to continue its review of the ~~recommendations~~ made by the long-term care reimbursement study committee.
- Sec. 8 County Workfare: This section directs the Department of Social Services to study and ~~recommend~~ to the General Assembly by January 15, 1982, a proposal to implement a County Workfare Program.
- Sec. 9 Involuntary Transfer: This section prohibits, under certain conditions, the involuntary transfer of ICF and skilled nursing facility residents.
- Sec. 10 Funeral Expense: This section increases the funeral expense payments allowed under Chapters 239.9 and ~~249.9~~, 1981 Code, for persons eligible to receive public assistance under those chapters.
- Sec. 11 Foster Care: This section rewrites the definition of a child under Chapter 234.1, subsection 4, 1981 Code, relating to foster care.
- Sec. 12 AFDC: This section makes changes in the definition of a dependent child under Chapter 239.1, subsection 3, 1981 Code.
- Sec. 13 This section corrects inconsistent references contained in Chapter 239, 1981 Code, relating to the Unemployed Parent Program.
- Sec. 14 This section makes language changes to Chapter 239, 1981 Code, relating to guardianship.
- Sec. 15 Medical Assistance: This section extends medical coverage under Chapter 249A, 1981 Code, to individuals who would otherwise be eligible if the AFDC Program provided unborn child payments.
- Sec. 16 This section ~~allows~~ licensed psychologists to receive reimbursement for services provided to recipients of medical assistance.
- Sec. 17 Remedial Eye Program: This section deletes Chapter 249A.10, 1981 Code.
This section also deletes language contained in Chapter 217.38, 1981 Code, relating to Title XIX cost ~~containment~~ that was incorrectly codified.
- Sec. 19 This section prohibits the use of funds for capital improvements.
- Sec. 21 This section directs the Department of Social Services to adopt administrative rules under Chapters 17A.4, subsection 2 and 17A.5, subsection 2, paragraph b, for certain sections of the bill.

Soil Conservation, Department of

- S.F. 305 This bill provides for early reversion of \$40,000 of soil
Sec. 27, 28 conservation grants ~~from~~ earlier appropriations.
- S.F. 553 This bill appropriates \$8,439,156 for FY 1982 and \$8,845,675
Sec. 12 for FY 1983 from the General Fund to finance operations and grants of the department including the general and district offices, soil surveys, Small Watershed Program, and cost-sharing. The bill also provides guidelines for allocation of cost-share funds. (See page 15)

Spanish Speaking People's Commission

- H.F. 851 This bill appropriates \$31,606 in FY 1982 and \$33,130 in
Sec. 2.3 FY 1983 to maintain programs at the FY 1981 level. It authorizes one position, reflecting a reduction of ~~one from~~ the prior fiscal year. (See page 13)

Status of Women Commission on

- H.F. 851 This bill appropriates \$89,275 in FY 1982 and \$93,178 in
Sec. 2.5 FY 1983 to maintain programs at the FY 1981 level. It authorizes three FTE positions. (See page 14)

Substance Abuse, Department of

- H.F. 851 This bill appropriates funds for the 1981-83 Biennium for the
Sec. 6 following programs:
General Administration: This section appropriates \$142,967 in
Sec. 6.1 FY 1982 and makes no appropriation in FY 1983 due to the sunset legislation. It authorizes 14 FTE positions, reflecting a reduction of 126 FTE's due to loss of federal funds. (See page 14)
Program Grants: This section appropriates 62,361,150 in FY 1982 and makes no appropriation in FY 1983 due to the sunset legislation. (See page 14)
This section requires the department to prepare an alternative plan for the administration and regulation of substance abuse programs and requires the plan to be evaluated by the Legislative Fiscal Bureau as part of their sunset review of the department.

Transportation, Department of

- S.F. 305 The bill reduces the FY 1981 operations General Fund appropri-
Sec. 47 ation for salaries, support, maintenance and miscellaneous purposes by \$186,000.
- H.F. 850 The bill appropriates \$119,526,690 for FY 1982 and \$123,197,311
for FY 1983 from four different funding sources for salaries and support.
- Sec. 5 General Fund: This section appropriates \$5,278,205 for FY 1982 and \$5,380,176 for FY 1983 from the General Fund for operations. An appropriation of \$1,908,000 is made each year of the 1981-83 Biennium for public transit assistance. An appropriation of \$1,000,000 is made each year of the 1981-83 Biennium for rail branch line improvement. (See page 23)
- Sec. 6, 7 Road Use Tax Fund: This section appropriates \$11,073,418 for FY 1982 and \$11,682,011 for FY 1983 from the Road Use Tax Fund for operations. Also appropriated is \$16,500 for FY 1982 and \$18,000 for FY 1983 for a portion of the Merit Employment cost to the department, \$17,250 for FY 1982 and \$11,250 for FY 1983 for Workers' Un-employment Compensation, and \$22,500 for each year of the 1981-83 Biennium for paying Workers' Compensation claims. (See page 24)

Social Services - Transportation

Sec. 8, 9, 10 Primary Road Fund: The bill appropriates \$102,814,911 for FY 1982 and ~~\$105,763,854~~ for FY 1983 from the Primary Road Fund for operations. Also appropriated is \$225,000 for each year of the biennium for additional equipment. Intent language is included that the FY 1983 appropriation for additional equipment is contingent upon the continuation of federal funds for the completion of Interstate 380. An appropriation of \$3,500,000 is made each year of the 1981-83 Biennium for vehicle replacement. The appropriation includes the intent that the Department of Transportation shall start pilot projects on highway maintenance by private contractors to determine cost effectiveness and present a report to the Joint Appropriations Subcommittee on Transportation and Law Enforcement in January, 1982. The bill appropriates \$313,500 for FY 1982 and \$342,000 for FY 1983 for a portion of the Merit Employment costs to the department, and ~~\$327,750~~ for FY 1982 and \$213,750 for FY 1983 for Workers' Unemployment Compensation costs. An appropriation of \$427,500 is made each year of the 1981-83 Biennium for Workers' Compensation claims. (See page 24)

Sec. 11 State Aviation Fund: This section appropriates \$360,156 for FY 1982 and \$371,270 for FY 1983 from the State Aviation Fund for operations. (See page 24)

Sec. 12 Capitals: This section appropriates \$330,000 for capital expenditures to the Department of Transportation for FY 1982 from the Primary Road Fund. Included in this amount is \$130,000 for a warehouse addition at the Ames central complex and \$200,000 for energy conservation projects. (See page 24)

Sec. 14, 15 Studies: The bill appropriates \$60,000 from the Road Use Tax Fund for a study of the Department of Transportation to determine staff requirements, administrative structure, and general efficiency of the department if Senate File 561 becomes law. An appropriation of \$10,000 is also made from the Road Use Tax Fund for a study of the Department of Transportation to determine the size of the primary and secondary road systems if Senate File 456 becomes law.

Sec. 16, 17 The bill appropriates \$850,000 from the Road Use Tax Fund and \$150,000 from the Primary Road Fund for the construction of a new undivided four-lane roadway on state-owned property in Iowa City to serve the University of Iowa sports arena, University Hospitals, and the western portion of the University of Iowa campus. Of the \$850,000 appropriated from the Road Use Tax Fund, \$600,000 shall be considered an interest-free loan to the State Board of Regents to be repaid by withholding \$60,000 from the State Board of Regents portion of appropriated funds for state institutional roads and state park roads for ten years. (See page 24)

Sec. 23 This section amends Section 308.4, 1981 Code, to reduce the standing limited appropriation for the Great River Road from \$100,000 to \$95,400 each fiscal year. (See page 23)

Sec. 24 This section amends Section 321.211, 1981 Code, to reduce the standing limited appropriation for Personal Delivery of Service from \$105,000 to \$60,000 each fiscal year. (See page 23)

Sec. 25 This section amends Section 321.271, 1981 Code, to change the fee charged for copies of accident reports filed by law enforcement officers from \$2 to \$4. This fee increase will generate additional revenue of approximately \$24,000 per year to the General Fund.

Sec. 26 This section amends Section 321A.3, 1981 Code, to change the fee charged for an abstract of a driver's operating record from \$2 to \$4. This fee increase will generate additional revenue of approximately \$1,100,000 per year to the General Fund.

Treasurer of State

S.F. 548
Sec. 2.16 The bill appropriates funds of \$379,424 for FY 1982 and \$397,718 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 18)

Sec. 3 Moneys and Credits Replacement Fund: This section appropriates \$2,385,000 for FY 1982 and \$2,500,000 for FY 1983 to the Moneys and Credits Replacement Fund administered by the State Treasurer. (See page 18)

Uniform Laws Commission

H.F. 847
Sec. 7.10 The bill appropriates \$8,395 for FY 1982 and \$8,800 for FY 1983 to supplement travel and per diem for members. (See page 22)

Veteran's Affairs, Department of

S.F. 305
Sec. 14 War Orphan's Education Fund: The bill reduces the FY 1981 appropriation by \$8,390 which is an anticipated reversion.

H.F. 851
Sec. 5 The bill appropriates funds for the 1981-83 Biennium for the following programs:

Sec. 5.1 Salaries, Support and Maintenance: This section appropriates \$100,900 in FY 1982 and \$102,135 in FY 1983 and authorizes four FTE positions. (See page 14)

Sec. 5.2 War Orphans Education Fund: This section appropriates \$28,000 in FY 1982 and \$32,000 in FY 1983 to provide funds for education expenses of eligible war orphans. (See page 14)

S.F. 548 Watchmaking Examiners, Board of
The bill appropriates funds of \$11,034 for FY 1982 and \$11,247 for FY 1983 for salaries, support and maintenance at the FY 1981 level. (See page 18)

WAYS AND MEANS BILL SUMMARY

- S.F. 576 Cigarette Tax: The bill increases the tax rate on cigarettes and little cigars to nine mills from six and one-half mills, and seven and one-half mills as based on weight for the period beginning July 1, 1981, and ending June 30, 1983. The effective tax per package is 18¢ for the two-year period. The bill also assesses a one-time inventory tax on inventory held at the close of business on June 30, 1981, and allows a refund on inventory held when the tax increase sunsets on June 30, 1983. The discount rate on tax stamps is set at two percent for the duration of the tax increase. The current discount is three percent and is determined by the Director of Revenue. S.F. 576 removes the requirement that the state cigarette tax be included in the basic cost of cigarettes as defined in Chapter 552A, 1981 Code, for the period of time that the bill is in effect. Fiscal Impact: S.F. 576 is estimated to increase cigarette tax revenues by \$17,500,000 in FY 1982 and by slightly more than that amount in FY 1983.
- S.F. 394 Corporate and Uniform Commercial Code Filing fees: The bill increases the fees collected by the Secretary of State that relate to corporate filings and to the Uniform Commercial Code. Fiscal Impact: S.F. 394 is estimated to increase fee collections by \$1.2 million in FY 1982 and by \$1.4 million in FY 1983.
- General Taxation
- S.F. 237 The bill codifies language that is currently a part of administrative rules which concern the allocation and apportionment of capital gains and losses for the purposes of computing the state corporate income and franchise taxes. The provisions are retroactive to January 1, 1981. No fiscal impact.
- S.F. 263 The bill authorizes the Department of Revenue to credit income and franchise tax refunds against other tax liabilities of the taxpayer. No fiscal impact.
- H.F. 504 The bill allows the Director of Revenue to issue and enforce distress warrants for the motor fuel tax and the hotel-motel tax. Minimal fiscal impact.
- S.F. 551 The bill allows the private sale of public revenue bonds when the issue is \$15,000,000 or more. Fiscal Impact: The bill may reduce the cost to taxpayers for financing bond issues by allowing governmental units to take advantage of lower interest rates.
- H.F. 734 The bill sets the interest rate on most interest bearing obligations which arise under the state tax laws at an annual rate two percent less than the average prime interest rate. Currently, the interest rate on delinquent taxes is nine percent per annum. Fiscal Impact: It is expected to increase receipts due to interest on overdue taxes by an unknown amount.
- H.F. 841 Grain Sale and Storage Fees: The bill expands previous legislation concerning grain sale and storage requirements. It provides for two classes of licenses for grain dealers and grain warehouses which are based on volume of sales or storage capacity. The bill requires facilities be inspected at least twice a year and that they provide a financial statement. The fees for the licenses are set in the bill and authority is given to the Commerce Commission in order to implement the new law. The grain moisture shrinkage factor is set by the bill at 1.18 percent of weight per 1 percent of moisture content. Fiscal Impact: The fees collected under the bill offset most of the increase in operational costs of the Commerce Commission. The expenses not covered by fees are approximately \$160,000 in FY 1982 and \$90,000 in FY 1983.
- S.F. 420 Hazardous Waste Treatment Siting and Fees: The bill provides procedures for establishing appropriate sites and properly designed facilities for the treatment, storage, and disposal of hazardous waste. The bill establishes requirements and fees for the licensing of facilities, and sets penalties for violations. Fiscal impact not known.
- H.F. 868 Individual Income Tax and Internal Revenue Code Update: The bill makes permanent indexation of the individual income tax brackets using 50 percent of the yearly change in the Gross National Product implicit price deflator as the annual indexation factor. It requires a General Fund ending balance of at least \$60,000,000 on June 30 of the prior year in order for further indexing to take place.
- H.F. 868 also provides for updates to the Iowa Code to reflect amendments to the Federal Internal Revenue Code. The bill incorporates changes due to four federal tax bills:
1. Crude Oil Windfall Profits Tax of 1980,
 2. Technical Corrections as of 1979,
 3. Installment Sales Act of 1980, and
 4. Bankruptcy Tax Act of 1980.
- H.F. 868 makes the exclusion of up to \$400 of interest and dividend income effective January 1, 1982, while under federal tax statutes it is effective January 1, 1981. Fiscal Impact: Under current law the indexation provision would sunset after tax year 1981 and the income brackets would revert to the 1978 levels which would have increased 1982 and future years' liabilities by approximately \$7 million. H.F. 868 prevents the sunset impact by making indexing permanent. Considering the projected ending balances for the 1981-83 Biennium, it is unlikely the further indexation will take place in either year. The partial exclusion of interest and dividend income is estimated to decrease 1982 tax liabilities by \$3 million to \$4 million. No estimates of the impacts of the other IRC update provisions are available. It is not anticipated that these provisions will have significant impact on state tax liabilities.
- Income and Franchise Tax:
- H.F. 350 The bill provides for the computation of interest on overpayments of individual and corporate income and franchise taxes to begin accruing on the first day of the second calendar month following the due date of the return rather than beginning thirty

days after the due date as provided in current statutes. Fiscal Impact: It is estimated that the change of the date on which interest payable by the state on returns filed in calendar year 1981 by approximately \$100,000 to \$150,000.

H.F. 470 The bill makes a technical correction to the Code concerning the statute of limitations on the assessment of income and franchise taxes. No fiscal impact.

S.F. 506 Industrial Revenue Bonding: The bill expands the scope of projects for which industrial revenue bonds may be issued to include facilities used for sanitary disposal and recycling of solid waste, health care facilities such as an office building used exclusively by professional health care providers including ancillary facilities, telephone company facilities, and facilities used as part of any commercial amusement or theme park. Fiscal impact not known.

S.F. 555 Inheritance Tax: The bill has the following provisions:

1. Reduces the length of time to file an inheritance tax return from 12 months to 9 months effective July 1, 1981.
2. Allows special use valuation of a closely held business effective July 1, 1981.
3. Makes the following changes in the exemptions for inheritance tax:

	Current Law	Effective Jan. 1, 1982	Effective Jan. 1, 1983	Effective Jan. 1, 1984
Spouse	\$ 80,000	120,000	150,000	180,000
Children	30,000	50,000	50,000	50,000
Parents	10,000	15,000	15,000	15,000
Other Lineals	10,000	15,000	15,000	15,000

4. Reduces the tax on the inheritance of the surviving spouse by the following amounts:
 - a) One-third reduction effective Jan. 1, 1986,
 - b) Two-thirds reduction effective Jan. 1, 1987, and
 - c) One-hundred percent reduction effective Jan. 1, 1988.
5. Changes the minimum estate taxable from \$1,000 to \$10,000 effective Jan. 1, 1982.
6. Allows taxpayers to transfer property to the state or local government in lieu of inheritance tax provided the transfer is approved by the Iowa Executive Council. The transfer provision is effective July 1, 1981.

Fiscal Impact: The legislation is estimated to increase inheritance tax revenues in FY 1982 by approximately 14 percent to 15 percent or \$7.9 million to \$8.5 million, to decrease FY 1983 revenues by 17 percent to 18 percent or \$11.5 million to \$12.2 million, and to decrease FY 1984 revenues by 22 percent to 25 percent. When all the provisions are fully implemented, inheritance tax revenues will be reduced by over one-third.

H.F. 852 Insurance Premium Tax: The bill requires semiannual payment rather than annual payment of premium taxes owed by insurance companies for liabilities arising in calendar years 1982 and 1983. For liabilities arising in and after 1984, the taxes are payable on an annual basis.

Fiscal Impact: The bill is expected to result in a one-time wind-fall to the state General Fund of approximately \$26 million in FY 1982 and a one-time loss to the General Fund of approximately the same amount or a larger amount in FY 1981.

H.F. 842 Miscellaneous Tax - Beef Excise: The bill allows the beef excise tax to be increased from 25 cents per head up to 50 cents per head on all beef cattle sold for slaughter, from 5 cents to 35 cents per head on veal calves sold for slaughter, and from 10 cents up to 35 cents per head on all sales of beef cattle. A referendum of beef cattle producers is required in order to implement the increase. The bill also requires for excise tax refund information to be provided on the invoice of the sale. Fiscal Impact: The bill only impacts beef cattle producers and requires their approval of any increase in the check-off fee.

Property Tax:

H.F. 155 The bill changes the due date for filing personal property tax credit claim applications from on or before July 1 of each year to on or before July 1 of each even-numbered year. Fiscal Impact: It may reduce administrative costs.

H.F. 472 The bill changes the education requirements for assessors and deputy assessors. Assessors will be required every six years to complete 150 hours rather than 240 hours of classroom instruction. At least 90 of the 150 hours must be from courses requiring final examinations. Deputy assessors' requirements are reduced from 150 hours to 90 hours every six years. Of the 90 hours, at least 60 hours must be in courses that have final examinations. Fiscal Impact: The reduction in required educational training for assessors is expected to reduce local government costs.

H.F. 837 The bill repeals the requirement that a county recorder retain a copy of a declaration of value when property is transferred. Fiscal Impact: It may reduce local administrative costs.

H.F. 865 The bill permits board of directors of a merged area school to levy a property tax for up to 5 percent of the school's General Fund operating expenditures of FY 1980. The levy is to be certified by March 15, 1982, and March 15, 1983, and assessed over a two-year period so that the total funds raised are not more than the 5 percent limit. The receipts from the levy are to be placed in a special cash reserve fund to be used only to alleviate temporary cash shortages and must be replaced by the end of each fiscal year. Fiscal Impact: The actual fiscal impact will depend upon the actions of each area school board. The statewide total of area school expenditures in FY 1980 was approximately \$97 million, thus the 5 percent limit could result in a maximum property tax levy of \$4.9 million, which would mean an average levy rate of 4.3 cents per \$1,000 of taxable valuation assessed for two years.

H.F. 867 The bill increases the allowable property tax levy for the operation of the County Agriculture Extension Education Program. The total allowable levy as based on county population is increased by 10 percent per year for the next five years. The levy rate

Units are unchanged. Fiscal impact will depend upon local conditions.

H.F. 873

The bill increases the allowable levy rate for a benefited water district within a county having a population greater than 250,000 from 13.5 cents per thousand to any amount necessary for the maintenance of the system. The amount must be approved by the county board of supervisors. Fiscal impact: The provision will only affect benefited water districts in Polk County.

H.F. 878

The bill requires a special charter city in Iowa to bring the timing schedule for the assessments and levying of property tax into compliance with the other political subdivisions of the state. The city must submit a plan for compliance to the State Comptroller by September 30, 1981, and to make the transition necessary on the taxes levied against the 1981 assessed valuations. Fiscal impact: This legislation will impact the charter city of Oavenport.

Sales, Service and Use Tax:

S.F. 466

The bill provides that the exemption from the sales, service, and use tax of services used in the processing of tangible personal property include reconditioning or repairing provided that the property is held for resale and is of a type normally sold by the retailer. The tax will be applied to the gross receipts received when the property is subsequently sold. Fiscal impact not known.

H.F. 468

The bill imposes the sales, service, and use tax on the gross receipts from the sale of optional service or warranty contracts. Previously, the contract sale was not taxed, instead the tax was imposed at the time of service or repair. Fiscal impact not known.

1854

ENROLLED BILLS

SENATE FILE 113

AN ACT

RELATING TO THE PAYMENT OF CLAIMS BY COUNTIES FOR MILITARY SERVICE TAX CREDITS TO BE EFFECTIVE UPON PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding chapter 426A, all moneys in the military service tax credit fund shall be transferred to the general fund of the state on the effective date of this Act and payments provided for in section 426A.4 shall be made from the general fund of the state ending June 30, 1982. Notwithstanding section 123.53, subsection 7, funds required by that subsection to be deposited in the military service tax credit fund shall be deposited in the general fund of the state beginning on the effective date of this Act and ending June 30, 1982.

Sec. 2. Section 426A.4, Code 1981, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE. Sums distributable from the military service tax credit fund shall be allocated every six months to the several counties of the state. On March 25 and September 25 annually the director of revenue shall certify to the comptroller the total credits claimed by each county. Upon receipt of the certification from the director of revenue, the comptroller shall draw warrants to the treasurer of each county payable from the military tax service tax credit fund in the amount claimed; provided that if the amount of money in said the fund is insufficient to pay the credits claimed in full, then in that event they shall be paid on a pro rata basis. Payments shall be made to the treasurer of each county not later than April 15 and October 15 of each year. The state comptroller shall

transfer any funds in the military service tax credit fund on May 31 of each year not necessary for the payment of claims to the general fund.

Sec. 3. Section 426A.10, Code 1981, is repealed.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the North Iowa Times, a newspaper published in McGregor, Iowa, and in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 113, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 172

AN ACT

TO ESTABLISH SHORT TERM LIQUOR LICENSES AND BEER PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.3, subsection 11, paragraph d, Code 1981, is amended to read as follows:

d. Is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph f, in the case of a partnership, only one partner need be a resident of this state.

Sec. 2. Section 123.34, Code 1981, is amended to read as follows:

123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT.

1. All-liquor Liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. The director shall cause give sixty days' written notice of such the expiration to-be-given to each licensee or permittee in-writing. However, the director may issue six-month or eight-month seasonal licenses or class "B" beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor licenses or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses or beer permits. No seasonal license or permit shall be renewed except after a period of two months.

2. The director may issue fourteen-day class "A", class "B", class "C", and class "D" liquor control licensee and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the

fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in sections 123.36, subsection 6 and 123.134, subsection 5.

3. The fee for a fourteen-day liquor license or beer permit is one-quarter of the annual fee for that class of liquor license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license or beer permit.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 172, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

S.F. 172

of the school district, or other legal counsel of the appropriate governmental unit. The garnishee shall be required to answer within thirty days following receipt of the notice.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 230, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 230

AN ACT

RELATING TO THE PERSON TO WHOM NOTICE OF GARNISHMENT IS SERVED IN A SCHOOL DISTRICT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 642.2, subsection 4, Code 1981, is amended to read as follows:

4. Service upon the garnishee shall be made by serving an original notice with a copy of the judgment against the defendant, and with a copy of the questions specified in section 642.5, by certified mail or by personal service upon the attorney general, county attorney, city attorney, secretary

1 x 4

SENATE FILE 237

AN ACT

PROVIDING FOR THE ALLOCATION AND APPORTIONMENT OF CAPITAL GAINS AND LOSSES FOR PURPOSES OF COMPUTING THE STATE CORPORATE INCOME AND FRANCHISE TAXES AND MAKING THE PROVISIONS RETROACTIVE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.33, subsection 1, paragraph a, Code 1981, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Nonbusiness capital gains and losses from the sale or other disposition of assets shall be allocated as follows:

Gains and losses from the sale or other disposition of real property located in this state are allocable to this state.

Gains and losses from the sale or other disposition of tangible personal property are allocable to **this** state **if** the property had a situs in this state at the time of the

sale or disposition or if the taxpayer's commercial domicile is in this state and the taxpayer *is* not taxable in the state in which the property had a situs.

Gains and losses from the sale or disposition of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

Sec. 2. Section 422.33, subsection 1, paragraph b, unnumbered paragraphs 2 through 5, Code 1981, are amended to read as follows:

Business interest, dividends, rents, and royalties shall be reasonably apportioned within and without the state under rules adopted by the director ~~pursuant to chapter 17A.~~

(2) Capital gains and losses from the sale or other disposition of assets shall be apportioned to the state based upon the business activity ratio applicable to the year the gain or loss is determined if the corporation determines Iowa taxable income by a sales, gross receipts or other business activity ratio. If the corporation has only allocable income, capital gains and losses from the sale or other disposition of assets shall be allocated in accordance with section 1 of this Act.

(3) Where income is derived from business other than the manufacture or sale of tangible personal property, such the income shall be specifically allocated or equitably apportioned within and without the state under rules of the director.

Where income is derived from the manufacture or sale of tangible personal property, the part ~~thereof~~ attributable to business within the state shall be in that proportion which the gross sales made within the state bear to the total gross sales.

The gross sales of the corporation within the state shall be taken to be the gross sales from goods delivered or shipped to a purchaser within the state regardless of the f.o.b. point or other conditions of the sale, excluding deliveries for transportation out of the state.

Sec. 3. This Act is retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981 and to this extent the provisions of this Act are retroactive.

TERRY E. BRANSTAD

President of the Senate

DELWYN STROMER

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File **237**, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY

Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY

Governor

SENATE FILE 263

AN ACT

AUTHORIZING THE DEPARTMENT OF REVENUE TO CREDIT INCOME AND FRANCHISE TAX REFUNDS AGAINST THE TAX LIABILITY OF THE TAXPAYER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.73. subsection 2, Code 1981, is amended to read as follows:

2. If it ~~shall appear~~ appears that, ~~as-a-result-of-mistake,~~ an amount of tax, penalty, or interest has been paid which was not due under ~~the-provisions-of~~ divisions II, III or V of this chapter, then ~~such that~~ amount shall be credited against any tax ~~due, or to become due, under this chapter on the books of the department from the person who made the erroneous payment, by the person who made the excessive payment,~~ or ~~such that~~ amount shall be refunded to ~~such the person by the department or with the person's approval, credited to tax to become due.~~ A claim for refund or credit that has not been filed with the department within three years after the return upon which a refund or credit claimed became due, or within one year after the payment of the tax upon which a refund or credit is claimed was made, whichever time is the later, shall not be allowed by the ~~director, if, if,~~ as a result of a carryback of a net operating loss or a net capital loss, the amount of tax in a prior period is reduced and an overpayment results, the claim for refund or credit of the overpayment shall be filed with the department within the three years after the return for the taxable year of the net operating loss or net capital loss became due. Notwithstanding the period of Limitation specified, the taxpayer shall have six months from the day of final disposition of any income tax matter between the taxpayer

and the internal revenue service with respect to the particular tax year ~~or years~~ to claim an income tax refund or credit, provided the taxpayer has notified the department of revenue in writing no later than six months after the expiration of the three-year limitations period of the existence of ~~such this~~ income tax matter.

TERRY B. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 263, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 305

AN ACT

RELATING TO THE REDUCTION, REVERSION, AND ALLOCATION OF FUNDS PREVIOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY AND PROVIDING A PUBLICATION CLAUSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 3, subsection 5, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 15, is amended to read as follows:

5. MENTAL HEALTH ADVISORY

COUNCIL.

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes..... \$ 64,269 \$ **50,000**
36,000

Sec. 2. Notwithstanding section 227.17, there is appropriated from the general fund of the state, for the fiscal year beginning July 1, 1980, and ending June 30, 1981, to the state mental aid fund the sum of five hundred seventy-five thousand (575,000) dollars. Any unencumbered or unobligated balance in the fund on June 30, 1981, shall revert to the general fund.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 1, is amended to read as follows:

SECTION 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
IOWA COMMISSION FOR THE BLIND.		
For salaries, support, maintenance and miscellaneous purposes.....	\$ 949,000	\$ 942,000 <u>867,000</u>

Sec. 4. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsection 3, paragraph c, is amended to read as follows:

c. For Iowa industrial start-up training program.....	\$ 200,000	\$ 200,000 <u>50,000</u>
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Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsections 8 end PO, are amended to read as follows:

8. SCHOOL FOOD SERVICE		
For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations.....	\$ 3,488,000	\$ 3,662,000 <u>3,481,000</u>

10. SCHOOL BUDGET REVIEW

COMMITTEE.....	\$	300,000	\$	1,300,000
		<u>271,812</u>		300,000

a. From the funds' appropriated to the school budget review committee for fiscal year 1980-1981 ~~nine-hundred-thousand~~ ~~(900,000)-dollars-shall-be-used-exclusively-for-transportation costs-unusually-increased-above-the-normal-rate-of-inflation, including-costs-arising-because-of-the-need-for-replacement vehicles-and-the-repair-of-vehicles-and~~ two hundred thousand (200,000)dollars or as much thereof as necessary shall be used exclusively for grants to public schools and for nonpublic school pupils for programs for instruction in the English language, a transitional bilingual program, or other special instruction program within the requirements of sections eighteen (18) and nineteen (19) of this Act. From the two hundred thousand (200,000)dollars for a transitional bilingual, instruction in the English language or other special instruction program, the school budget review committee may allocate an amount not to exceed ten thousand (10,000)dollars to the department of public instruction to cover the actual and necessary costs of administering the program as required in section nineteen (19) of this Act.

b. From the funds appropriated to the school budget review committee for the fiscal year 1979-1980 ~~one-hundred-thousand~~ ~~(100,000)~~ seventy-one thousand eight hundred twelve ~~(71,812)~~ dollars shall be used exclusively for supplemental aid to public school districts for transportation equipment needs which would become necessary because of the furnishing of transportation to nonpublic school pupils under chapter two hundred eighty-five (285) of the Code and any unused funds appropriated by this lettered ~~subparagraph~~ paragraph shall not revert until June 30, 1981.

Sec. 6. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 1, subsection 1, is amended to read as follows:

1. For allocation by the state board of regents to the

state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to reimburse such institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at such institutions..... \$ 4,250,000 \$ ~~4,550,000~~
4,365,000

Unobligated or unencumbered funds remaining on June 30, 1980, from funds appropriated by this subsection for the fiscal year beginning July 1, 1979, shall revert to the general fund on September 30, 1980. Unobligated or unencumbered funds remaining on June 30, 1981, from funds appropriated by this subsection for the fiscal year beginning July 1, 1980, shall revert to the general fund on September 30, 1981.

Sec. 7. Notwithstanding chapters 273, 281, and 442, relating to the allocation of special education support services costs of area education agencies by the state comptroller, for the school year beginning July 1, 1980 and ending June 30, 1981, the state comptroller shall deduct from the amount certified to generate funds for special education support services for each area the following listed amounts and shall recalculate the amounts due from each district to its area education agency:

Area 1	\$	467,382
Area 2	\$	
Area 3	\$	5,414
Area 4	\$	76,382

Area 5	\$	49,346	
Area 6	\$	101,791	
Area 7	\$	140,803	
Area 9	\$	24,102	
Area 10	\$		
Area 11	\$	607,158	
Area 12	\$		
Area 13	\$		
Area 14	\$	11,839	
Area 15	\$		
Area 16	\$		

The amounts deducted shall not affect the calculation of the state cost per pupil or any district cost per pupil for the school year beginning July 1, 1981.

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 1, paragraph a, is amended to read as follows:

a. Central administration.

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes	\$	73,503	\$	72,120 <u>61,591</u>
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Sec. 9. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 2, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 16, is amended to read as follows:

2. HEALTH FACILITIES DIVISION

a. Health facilities service.

For salaries and support of not more than sixty-eight point four full-time equivalent positions annually, maintenance and miscellaneous purposes	\$	554,102	\$	548,793 <u>537,121</u>
--	----	---------	----	---------------------------

b. Health planning agency.

For salaries and support of not more than thirteen full-time equivalent positions annually, maintenance and miscellaneous purposes	\$	66,940	\$	66,407 <u>57,487</u>
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c. Certificate of need.

For salaries and support of not more than six full-time equivalent positions annually, maintenance and miscellaneous purposes	\$	192,108	\$	190,244 <u>186,178</u>
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Sec. 10. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsections 3, 4, and 5 are amended to read as follows:

3. DISEASE PREVENTION DIVISION

For salaries and support of not more than thirty-seven point six full-time equivalent positions in the fiscal year beginning July 1, 1979 and ending June 30, 1980 and not more than thirty-one point six full-time equivalent positions in the fiscal year beginning July 1, 1980 and ending June 30, 1981, maintenance and miscellaneous purposes	\$	538,673	\$	536,095 <u>513,268</u>
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4. RECORDS AND STATISTICAL DIVISION

For salaries and support of not more than twenty-nine

full-time equivalent positions annually, maintenance and miscellaneous purposes, , \$ 402,698 \$ ~~499,444~~
391,920

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than seventeen full-time equivalent positions annually, maintenance and miscellaneous purposes..... \$ 544,584 \$ ~~549,551~~
518,010

It is the intent of the general assembly that the licensing and certification division prepare estimates of projected revenues to be generated by the licensing, certification and examination fees of each board as well as a projection of the fairly apportioned administrative costs attributable to each board. It is the further intent of the general assembly that each board annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and further that an imbalance in revenues and costs in one year shall be offset in the subsequent fiscal year.

Sec. 11. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 6, unnumbered paragraph 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 17, is amended to read as follows:

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes..... \$ 879,931 \$ ~~881,373~~
862,579

Sec. 12. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 7, paragraph a, as amended by Acts of the Sixty-eighth General Assembly, 1980

Session, chapter 1001, section 18, is amended to read as follows:

a. Community health division.

(1) For salaries and support of not more than forty-four full-time equivalent positions annually of which two shall be for deaf services, maintenance and miscellaneous purposes..... \$ 982,111 \$ ~~1,745,376~~
1,415,828

(2) Of the appropriation for the 1980-1981 fiscal year, the sum of sixty thousand (60,000) dollars is allocated for deaf services, the sum of three hundred fifty thousand (350,000) dollars is allocated for the renal disease program, and the sum of twenty thousand (20,000) dollars is allocated for the emergency medical service program.

Sec. 13. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 7, paragraphs b and c, are amended to read as follows:

b. Rape investigations.

For medical procedures required by section seven hundred nine point ten (709.10) of the Code..... \$ 45,000 \$ ~~45,000~~
25,545

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section three hundred thirty-nine point seven (339.7) of the code..... \$ 28,000 \$ ~~28,000~~
14,288

Sec. 14. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 6, subsection 2, is amended to read as follows:

2. For the war orphans educational aid fund..... \$ 35,000 \$ ~~35,999~~ 26,610

Sec. 15. Notwithstanding section 135.15, any unencumbered or unobligated moneys in the plumbing code fund on the effective date of this Act shall immediately revert to the general fund of the state.

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 4, subsection 1, is amended to read as follows:

1. DIVISION OF LANDS AND WATERS

For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance, equipment and miscellaneous purposes for not more than two hundred eighty-eight full-time equivalent positions of the division, and for maintenance of state parks, waters, and forests, and including not more than one million two hundred seventy-five thousand one hundred two (1,275,102)dollars during the fiscal year beginning July 1, 1979 and one million ~~two hundred seventy-seven~~ sixty-one thousand ~~one~~ four hundred ~~eighty-seven-(1,277,187)~~ thirty-seven (1,281,437) dollars during the fiscal year beginning July 1, 1980 which shall

be available for the administration fund from the state conservation fund in compliance with the provisions of section one hundred seven point seven-teen (107.17) of the Code..... \$ 5,077,176 \$ ~~4,922,838~~ 4,907,088

Sec. 17. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 4, subsection 8, is amended to read as follows:

8. GREAT RIVER ROAD STUDY From the general fund of the state for the great river road study..... \$ 25,000 \$ ~~37,599~~

Sec. 18. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 10, subsection 1, paragraph a, is amended to read as follows:

a. For salaries and support of not more than fifty-eight full-time equivalent positions, and maintenance and miscellaneous purposes..... \$ 1,968,880 \$ ~~2,074,628~~ 1,984,628

Sec. 19. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 13. subsection 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 26, is amended to read as follows:

1. OPERATIONS For salaries and support and for maintenance and miscellaneous purposes..... \$ 230,192 \$ ~~335,593~~ 271,683

Sec. 20. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 14, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For salaries, support and maintenance of not more than

read as follows:

1. For aid to the blind.....	\$ 20,000	\$ 20,000
		<u>15,500</u>

Notwithstanding section 249A.10, the department of social services shall not make payments under the remedial eye care program for services provided after the effective date of this Act through June 30, 1981.

Sec. 32. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 2, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 58, is amended to read as follows:

2. For aid to dependent children.....	\$47,130,000	\$56,100,000
		<u>55,057,680</u>

Notwithstanding chapter 239, the department of social services shall eliminate the unemployed parent portion of the aid to dependent children program as of the effective date of this Act through June 30, 1981.

Sec. 33. Acts of the Sixty-eighth General Assembly, 1979 session, chapter 8, section 8, subsection 4, paragraph d, as amended by Acts of the Sixty-eighth General Assembly, chapter 1001, section 59, is amended to read as follows:

d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.....

	\$88,260,000	\$97,750,000
		<u>96,550,000</u>

Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 6, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 60, is amended to read as follows:

6. For children's services.. . .	\$20,455,000	\$22,030,000
		<u>21,634,600</u>

Notwithstanding section 234.1, subsection 4 and section 234.35, the department of social services shall not provide foster care, after the effective date of this Act through

June 30, 1981, to any persons eighteen years of age or older unless those persons meet the current requirements for foster care and have been classified as mentally retarded or developmentally disabled. However, the department shall provide foster care, after the effective date of this Act through June 30, 1981, to those persons who are eighteen or nineteen years old, regularly attending a high school as full-time students or enrolled in an alternative education center

a normal courseload in pursuance of a regular high school diploma. The foster care shall cease upon graduation from high school.

Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 16, the department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the foster parent payment rates by ten percent.

The department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the subsidized adoption rates by ten percent.

Sec. 35. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 12, unnumbered paragraph 1, is amended to read as follows:

For assistance to child care centers.....	\$ 400,000	\$ 400,000
		<u>397,000</u>

Notwithstanding section 237A.13, after the effective date of this Act the department of social services shall not apportion or reapportion funds appropriated to the department to assist child care centers if those funds have not been apportioned or reapportioned by the effective date of this Act.

Sec. 36. Any administrative rules adopted pursuant to sections 30 through 35 of this Act shall be adopted under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, subparagraph (1), and shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 37. Acts of the Sixty-eighth General Assembly, 1979 session, chapter 3, section 2, subsections 1 and 2, are amended to read as follows:

1. AD HOC COMMITTEES, COUNCILS, AND TASK FORCES

For the payment of expenses of ad hoc committees, councils and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical and administrative staff and the payment of per diem, not exceeding forty dollars, and actual expenses of committee, council or task force members. It is the intent of the general assembly and a condition of this appropriation that personnel hired for the staffing of any ad hoc committee, council, or task force be terminated upon the completion of the committee, council or task force's final report.....

\$ 50,000 \$ ~~50,000~~
30,000

2. OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

For salaries and support of not more than two full-time equivalent positions and miscellaneous purposes.....

\$ 55,762 \$ ~~55,134~~
54,134

Sec. 38. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 3, subsection 1, paragraph a, subsection 2, unnumbered paragraph 1, and subsection 3, are amended to read as follows:

a. For salaries and support of not more than sixty-six point twenty full-time equivalent positions, maintenance and miscellaneous purposes.....

\$ 804,420 \$ ~~810,963~~
790,963

For the general office for salaries and support of not more than fifty-seven point fifty full-time equivalent positions, maintenance and miscellaneous purposes.....

\$ 1,184,759 \$ ~~1,195,247~~
1,179,247

3. BUREAU OF LABOR

For salaries and support of not more than ninety-two point twelve full-time equivalent positions, maintenance and miscellaneous purposes.....

\$ 1,181,330 \$ ~~1,177,511~~
1,161,511

Sec. 39. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 6, subsection 4, paragraphs a, b, and c, are amended to read as follows:

a. For the division of the state historical society for salaries and support of not more than seventeen full-time equivalent positions and maintenance and miscellaneous purposes. The division of the state historical society may publish and print the Iowa Journal and the Iowa Goldfinch and shall sell the

publications and use the proceeds to pay the costs of publication and printing:

\$ 441,359 \$ 4417398
436,390

b. For the division of historic preservation for salaries and support of not more than sixteen point seventy-two full-time equivalent positions, maintenance, and miscellaneous purposes.....

\$ 155,299 \$ 161,742
155,242

c. For the division of historic museum and archives for salaries and support of not more than twenty-nine point fifty full-time equivalent positions, maintenance, and miscellaneous purposes.....

\$ 465,335 \$ 462,724
452,724

Sec. 40. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 6, subsection 6, is amended to read as follows:

6. EXECUTIVE COUNCIL

For salaries and support of not more than two full-time equivalent positions, maintenance, and miscellaneous purposes.....

\$ 52,321 \$ 52,174
51,424

Sec. 41. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 7, subsection 1, Unnumbered paragraph 1, is amended to read as follows:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial mag-

istrates, and staff, maintenance, equipment and miscellaneous purposes.....

\$ 8,908,014 \$ 8,707,393
8,637,393

Sec. 42. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 15, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the renovation, and remodeling of the Robert Lucas building.....

\$ 3,000,000
2,000,000

Sec. 43. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 15, subsection 3, paragraph b, is amended to read as follows:

b. For the state's share of the city of Ames twenty-fourth street and Stange road widening project covered under section three hundred seven A point five

(307A.5) of the code..... \$ 125,000
102,000

Sec. 44. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 19, section 1, subsection 1, is amended to read as follows:

1. For the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, there is appropriated from the general fund of the state to the office for planning and programming for use by youth services in the division of manpower, the amount of one hundred fifty thousand (150,000) dollars for the fiscal year 1979-1980 and the amount of two-hundred fifty thousand (250,000) (50,000) dollars for the fiscal year 1980-1981, or so much thereof as is necessary, for the purpose of carrying out the juvenile victim restitution program created by this Act.

Sec. 45. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 2, subsection 1, paragraph a, is amended to read as follows:

a. For salaries and support of not more than twenty-four full-time equivalent positions and for maintenance and miscellaneous purposes..... \$ 600,300 \$ ~~514,299~~
608,058

Sec. 46. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 3, subsection 1, paragraph a, is amended to read as follows:

a. For salaries and support of not more than one hundred fifty-three full-time equivalent positions, and for maintenance and miscellaneous purposes of the department, criminal justice information system, and radio communications..... \$ 4,199,650 \$ ~~4,208,950~~
4,165,950

Sec. 47. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 4, subsection 1, is amended to read as follows:

1. For salaries, support, maintenance and miscellaneous purposes..... \$ 5,229,300 \$ ~~5,290,000~~
5,104,000

Sec. 48. The funds available from allotments which are modified because of the execution of the authority under section 8.31 as contained in executive orders numbers 38 and 40 shall revert to the general fund of the state on the effective date of this Act or on the effective date of the allocation, whichever is later.

Sec. 49. Executive orders numbers 38 and 40 executed pursuant to section 8.31 shall remain in full force and effect for allocations of standing unlimited appropriations through June 30, 1981.

Sec. 50. This Act, being deemed of immediate importance, takes effect from and after its publication in The Red Oak

Express, a newspaper published in Red Oak, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is **known** as Senate File 305, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

FILED

ROBERT D. RAY
GOVERNOR

March 24, 1981

81 MAR 24 PM 11 42

SECRETARY OF STATE
IOWA

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 305, an act relating to the reduction, reversion, and allocation of funds previously appropriated by the General Assembly and providing a publication clause.

Senate File 305 is approved March 24, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 34 which reads as follows:

Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 6, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 60, is amended to read as follows:

6. For children's services... \$20,455,000 ~~\$22,703,000~~
21,634,600

Notwithstanding section 234.1, subsection 4 and section 234.35, the department of social services shall not provide foster care, after the effective date of this Act through June 30, 1981, to any persons eighteen years of age or older unless those persons meet the current requirements for foster care and have been classified as mentally retarded or developmentally disabled. However, the department shall provide foster care, after the effective date of this Act through June 30, 1981, to those persons who are eighteen or nineteen years old, regularly attending a high school as full-time students or enrolled in an alternative education center approved by the state board of public instruction, and carrying a normal courseload in pursuance of a regular high school diploma. The foster care shall cease upon graduation from high school.

March 24, 1981

Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 16, the department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the foster parent payment rates by ten percent.

The department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the subsidized adoption rates by ten percent.

Unlike most appropriation bills, this measure reduces appropriations rather than increases them. I commend the Iowa General Assembly for making a diligent effort to seek reductions in state spending where it is appropriate and feasible. Our legislators recognize, as do I, that we are in a difficult financial position given the state of our economy. We must continue to seek ways to curtail spending as is possible.

Section 34 would reduce the Department of Social Services' appropriation for children's services by \$395,000 in fiscal year 81 through a reduction in the payment levels for foster parent payments and subsidized adoptions by 10 percent, and by the ending of eligibility for foster care payments to individuals 18 years of age or older except those mentally retarded, developmentally disabled, or still in school. While I can accept the discontinuance of eligibility for those who are 18 years of age or older according to the standards of this bill, we believe there are problems with the immediate reduction in the foster parent and subsidized adoption payments.

The 10 percent reduction in foster parent payments and subsidized adoption payments cannot be implemented until May 1. There would be but two months worth of savings until the end of the current fiscal year. The Co-Chairmen of the Department of Social Services Appropriations Subcommittee have informed us it is their intention to restore the current level of payments beginning July 1, 1981. Therefore, it makes more sense for us to leave the payment level where it is today and where it would be again on July 1, rather than go through a two-month, temporary reduction with all the difficulties and concerns that might then arise. Let it be remembered foster care and subsidized adoptions are important and effective ways to keep children in homes and out of institutions.

The legislature will be considering a supplemental appropriations bill for the Department of Social Services later this session. They can adjust the amounts to be appropriated to reflect this item veto and provide the Department with only the funds that are actually necessary to meet the cost of the foster care program for the remainder of the fiscal year.

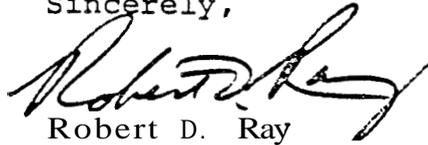
The Honorable Mary Jane Odell

Page 3

March 24, 1981

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 305 are hereby approved as of this date.

Sincerely,



Robert D. Ray
Governor

RDR:cg

cc: Secretary of the Senate
Chief Clerk of the House

until this requirement is reached, other than to complete projects already started.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 355, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 355

AN ACT

REQUIRING THE IOWA HOUSING FINANCE AUTHORITY TO EXPEND AT LEAST FIFTY PERCENT OF PROCEEDS FROM BOND SALES FOR THE CONSTRUCTION OF NEW HOUSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter **220**, Code 1981, is amended by adding the following new section:

NEW SECTION. NEW CONSTRUCTION REQUIREMENT. The authority shall insure that fifty percent or more of the proceeds from sales of obligations of the authority in each three-year period beginning July 1, 1981, are newly constructed housing units. Failure to comply with this requirement does not invalidate any bonds, notes, or other obligations of the authority, but in the event of noncompliance with this requirement the authority shall make a special report to the governor and to the general assembly as to the reasons for noncompliance, and the authority shall not commit further funds for housing units that do not help meet this requirement

SENATE FILE 394

1 1 3 4

AN ACT

INCREASING CORPORATE AND UNIFORM COMMERCIAL CODE FILING FEES

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 9.4, Code 1981, is amended to read as follows:

9.4 FEES. The secretary of state shall collect all fees directed by law to be collected by him the secretary of state, including the following:

- 1. For certificate, with seal attached, ~~two~~ three dollars.
- 2. For a copy of any law or record, upon the request of any private person or corporation, a fee to be ~~determined~~ by the secretary of state not to exceed ten cents per page.

Sec. 2. section 77.4, subsection 5, Code 1981, is amended to read as follows:

5. Remit the sum of ~~seven~~ fifteen dollars ~~fifty-cents~~ for the three-year period provided by law to the secretary of state.

Sec. 3. Section 96.14, subsection 8, paragraph a, Code 1981, is amended to read as follows:

a. By filing a copy of said original notice of suit with said secretary of state, together with a fee of ~~two~~ four dollars, and

Sec. 4. Section 106A.4, subsection 1, Code 1981, is amended to read as follows:

1. By filing a copy of said original notice of suit with said secretary of state, together with a fee of ~~two~~ four dollars, and

Sec. 5. Section 496A.7, subsection 5, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Such election shall be made by filing with the secretary of state an application executed by ~~an~~ officer of the corporation, setting forth such assumed name and paying to the secretary of stake a filing fee of ~~twenty~~ forty dollars.

Sec. 6. Section 496A.7, subsection 5, unnumbered paragraphs 3 and 4, Code 1981, are amended to read as follows:

At the time annual license fees are payable under this chapter, a corporation which has elected to adopt an assumed name shall pay to the secretary of state an annual fee of Live ten dollars for such ~~assumed~~ name. However, if the assumed name was filed and became effective in December of any year, the first annual fee of ~~five~~ ten dollars shall be paid at the time of filing of the annual report in the second year following such December.

If the corporation fails to pay the annual fee when due and payable, ~~the~~ secretary of state shall give notice to the corporation of such nonpayment by registered or certified mail; and if such fee together with a penalty of ~~five~~ ten dollars is ~~not~~ paid within sixty days after such notice is mailed, the right to use such assumed name shall cease.

Sec. 7. Section 496A.124, code 1981, ~~is~~ amended to read as follows:

496A.124 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:

- 1. Filing articles of incorporation and issuing a certificate of incorporation, ~~twenty~~ fifty dollars.
- 2. Filing articles of amendment and issuing a certificate of amendment, ~~twenty~~ fifty dollars.
- 3. Filing restated articles of incorporation, ~~twenty~~ fifty dollars.
- 4. Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ~~twenty~~ fifty dollars.
- 5. Filing an application to reserve a corporate name, ~~five~~ ten dollars.
- 6. Filing a notice of transfer of a reserved corporate name, ~~five~~ ten dollars.
- 7. Filing a statement of change of address of registered office or change of registered agent, or both, ~~one-dollar~~ five dollars, If a single statement of change changes the

address of the registered office of more than one corporation, the fee shall be ~~one-dollar~~ five dollars for each corporation the address of whose registered office is changed thereby.

8. Filing a statement of the establishment of a series of shares, five ten dollars.

9. Filing a statement of cancellation of shares, five ten dollars.

10. Filing a statement of reduction of stated capital, five ten dollars.

11. Filing a statement of intent to dissolve, ~~one-dollar~~ five dollars.

12. Filing a statement of revocation of voluntary dissolution proceedings, ~~one-dollar~~ five dollars.

13. Filing articles of dissolution, ~~one-dollar~~ five dollars.

14. Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, ~~twenty eighty~~ dollars.

15. Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, ~~twenty eighty~~ dollars.

16. Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ~~ten forty~~ dollars.

17. Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, ~~twenty fifty~~ dollars.

18. Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five ten dollars.

19. Filing any other statement or report, except an annual report, of a domestic or foreign corporation, ~~one-dollar~~ five dollars.

~~20. Recording any instrument, document, or paper, fifty cents per page.~~

Sec. 8. Section 496A.125, Code 1981, is amended to read as follows:

496A.125 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

1. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, fifty cents one dollar per page and ~~two five~~ dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, fifty cents one dollar per page.

2. At the time of any service of process on ~~him~~ the secretary of state as resident agent of a corporation, five ten dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if ~~such~~ party prevails in the suit or action.

3. For a certificate of good standing, five dollars.

Sec. 9. Section 496A.126, Code 1981, is amended to read as follows:

496A.126 ANNUAL LICENSE FEES PAYABLE BY DOMESTIC CORPORATIONS. At the time of filing its annual report, each domestic corporation shall pay to the secretary of state an annual license fee for the calendar year, which shall be due on January 1, payable March 31, to be based on its stated capital, as follows:

STATED CAPITAL		FEE	
Over	Not over	\$	
		20,000	<u>5 15</u>
\$ 20,000	but not over	40,000	<u>10 20</u>
40,000	but not over	60,000	<u>15 25</u>
60,000	but not over	80,000	<u>20 30</u>
80,000	but not over	100,000	<u>25 35</u>
100,000	but not over	150,000	<u>30 40</u>
150,000	but not over	200,000	<u>35 45</u>
200,000	but not over	250,000	<u>40 50</u>
250,000	but not over	300,000	<u>45 55</u>
300,000	but not over	350,000	<u>50 60</u>

350,000	but not over	400,000	55	<u>65</u>
400,000	but not over	500,000	60	<u>70</u>
500,000	but not over	600,000	70	<u>80</u>
600,000	but not over	700,000	80	<u>90</u>
700,000	but not over	800,000	90	<u>100</u>
800,000	but not over	900,000	100	<u>110</u>
900,000	but not over	1,000,000	110	<u>120</u>
1,000,000	but not over	2,500,000	175	<u>185</u>
2,500,000	but not over	5,000,000	250	<u>260</u>
5,000,000	but not over	10,000,000	350	<u>360</u>
10,000,000	but not over	50,000,000	800	<u>810</u>
50,000,000	but not over	100,000,000	1,200	<u>1,210</u>
100,000,000	but not over	200,000,000	1,600	<u>1,610</u>
200,000,000	but not over	300,000,000	2,000	<u>2,010</u>
300,000,000	but not over	500,000,000	2,500	<u>2,510</u>
500,000,000			3,000	<u>3,010</u>

Provided, that a domestic corporation having no stated capital, or a foreign corporation having no stated capital or no property in Iowa, shall pay an annual license fee of five fifteen dollars.

Sec. 10. Section 496A.127, Code 1981, is amended to read as follows:

496A.127 **ANNUAL LICENSE FEES PAYABLE BY FOREIGN CORPORATIONS.** At the time of filing its annual report, each foreign corporation having a permit to transact business in this state shall pay to the secretary of state an annual license fee for the calendar year, which shall be due on January 1, payable March 31, to be based on the sum total of the fair and reasonable value of all property employed and used in Iowa as of January 1 of the year in which the report is due, without deductions of sums due and owing by said foreign corporation. The annual license fee to be paid by said foreign corporation shall be based upon the sum so computed which shall be considered the stated capital in this state for the purpose of said annual license fee, and the fees to be paid thereon shall be computed by applying the

schedule of annual license fees as in this chapter prescribed for domestic corporations.

A foreign corporation shall have the option, if it so elects, to pay its annual license fee upon its total stated capital, and said fee shall be computed by applying the schedule of annual license fees as in this chapter prescribed for domestic corporations.

The minimum annual license fee shall be five fifteen dollars.

Sec. 11. Section 496A.129, subsection 3, paragraph c, subparagraph (2), Code 1981, is amended to read as follows:

(2) The credit herein provided for may not be applied to the extent that it would reduce the annual license fee below the minimum of five fifteen dollars.

Sec. 12. Section 496A.130, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this chapter, shall be subject to a penalty of ten percent of the amount of the annual license fee determined by the secretary of state to be due and payable by such corporation for the period beginning January first of the year in which such report should have been filed. If the amount of the annual license fee originally determined by the secretary of state shall thereafter be adjusted in accordance with the provisions of this chapter, the amount of the penalty shall be likewise adjusted to ten percent of the amount of the adjusted license fee. In no event shall such penalty be less than five fifteen dollars. The amount of the license fee and the amount of the penalty shall be separately stated in any notice to the corporation with respect thereto.

Sec. 13. Section 496A.130, subsection 3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The payment to the secretary of state by the corporation of all annual license fees and penalties then due and

theretofore becoming due and an additional penalty of ~~one~~
~~two~~ hundred dollars.

See. 14. Section 504A.85, Code 1901, is amended to read as follows:

504A.85 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES.

The secretary of state shall charge and collect for:

1. Filing articles of incorporation and issuing a certificate of incorporation, Can twenty dollars.
2. Filing statement of election to accept the chapter, ~~one-dollar~~ five dollars.
3. Filing articles of amendment and issuing a certificate of amendment, Live ten dollars.
4. Filing restated articles of incorporation, cen twenty dollars.
5. Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, five twenty dollars.
6. Filing an application to reserve a corporate name, Live ten dollars.
7. Filing a notice of transfer of a reserved corporate name, five ten dollars.
8. Filing a statement of change of address of registered office or change of registered agent, or both, ~~one-dollar~~ five dollars. If a single statement of change changes the address of the registered office of more than one corporation. the fee shall be ~~one-dollar~~ five dollars for each corporation the address of whose registered office is changed thereby.
9. Filing articles of dissolution, ~~one-dollar~~ five dollars.
10. Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, ~~ten~~ twenty dollars.
11. Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five twenty dollars.
12. Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate

of authority to conduct affairs in this state, five ten dollars.

13. Filing a copy of articles of merger of a foreign corporation holding a Certificate of authority to conduct affairs in this state, ~~five~~ twenty dollars.

14. Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ~~one dollar~~ five dollars.

15. Filing any other Statement or report, ~~including an annual report~~, of a domestic or foreign corporation, ~~one dollar~~ five dollars.

~~16. Recording any instrument, document, or paper, fifty~~
seats-per-payel

Sec. 15. Section 504A.86, Code 1981, is amended to read as follows:

504A.86 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

1. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, ~~fifty-seats~~ one dollar per page and five dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, ~~fifty-seats~~ one dollar per page.

2. At the time of any service of process on him the secretary of state as resident agent of a corporation, five ten dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

3. For a certificate of good standing, ~~ten~~ five dollars.

Sec. 16. Section 554.9403, subsection 5, Code 1981, is amended to read as follows:

5. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing shall be as follows:

a. ~~Four~~ Four dollars for an original financing statement if the statement is in the standard form prescribed by the secretary of state, and otherwise ~~four~~ five dollars.

b. ~~Two~~ Four dollars for a continuation statement if the statement is in the standard form prescribed by the secretary of state, and otherwise ~~three~~ five dollars.

Sec. 17. Section 554.9405, subsections 1 and 2, Code 1981, are amended to read as follows:

1. A financing Statement may disclose an assignment of a ~~se~~curity interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 554.9403, subsection 4. The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the secretary of state shall be ~~three~~ four dollars, or if such statement otherwise conform~~6~~ to the requirements of this section, ~~four~~ five dollars.

2. A secured party may assign of record all or a part of ~~hie~~ the rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. ~~He~~ The filing officer shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to section 554.3103, subsection 5, ~~he~~ the filing officer shall

index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he the filing officer shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on a form conforming to Standards prescribed by the secretary of state shall be ~~Cwe~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~three~~ five dollars. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (section 554.9402, subsection 6), may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this chapter.

For fixture filings there shall be a fee of three dollars per page for recording and a fee of three dollars per page for a total or partial release of the fixture filinu.

Sec. 18. Section 554.9406, code 1981, is amended to read as follows:

554.9406 RELEASE OF COLLATERAL--DUTIES OF FILING OFFICER--FEES. A secured party of record may by ~~his~~ a signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with section 554.9405, subsection 2, including payment of the required fee. Upon presentation of such a statement of release ~~to~~ the filing officer ~~he~~ shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of

the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the secretary of state shall be ~~two~~ **four** dollars, or if such statement otherwise conforms to the requirements of this section, ~~three~~ **five** dollars.

Sec. 19. Section 554.9407, subsection 2, Code 1981, is amended to read as follows:

2. Upon request of any person, the filing officer shall issue ~~his a~~ certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, giving the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be ~~two~~ **four** dollars if the request for the certificate is on ~~a~~ form conforming to standards prescribed by the secretary of state; otherwise, ~~three~~ **five** dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page.

Sec. 20, Section 617.3, unnumbered paragraph 3, Code 1981, is amended to read as follows:

Service of such process or original notice shall be made (1) by filing duplicate copies of said process or original notice with said secretary of state, together with a fee of ~~five~~ **ten** dollars, and (2) by mailing to ~~the~~ defendant and to each of them if more than one, by registered or certified mail, a notification of said filing with the Secretary of state, the ~~same~~ to be so mailed within ten days after such filing with the secretary of state. Such notification shall be mailed to each ~~such~~ foreign corporation at ~~the~~ address of its principal office in the state or country under the laws of which it is incorporated and to each such nonresident person at ~~his~~ **an** address in the state of ~~his~~ residence. The defendant shall have sixty days from the date of such filing

with the ~~secretary~~ of state within which to appear. Proof of service shall be made by filing in court the duplicate copy of the process or original notice with the secretary of state's certificate of filing, and the affidavit of the plaintiff or his the plaintiff's attorney of compliance herewith.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is ~~known as~~ Senate File 394, sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

1 * * ,

SENATE FILE 420

AN ACT

RELATING TO THE SITING OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES, PROVIDING PENALTIES AND IMPOSING A SURCHARGE ON THE FEE FOR LAND BURIAL OF HAZARDOUS WASTE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. PURPOSE AND GUIDELINES. The purpose of this Act is to protect the public health and the environment by providing a procedure for establishing appropriate sites and properly designed facilities for the treatment, storage and disposal of hazardous waste. It is the intent of the general assembly that in the implementation of this Act the department of environmental quality shall emphasize alternatives to land burial of hazardous waste whenever possible with emphasis on the following management methods in the following order: source reduction, reuse, resource recovery, incineration, and detoxification.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. a. "Facility" means land and structures, other appurtenances, and improvements on the land used for the treatment, storage, or disposal of a hazardous waste required to have a permit under section 455B.134.

b. "Facility" does not include land, structures, other appurtenances and improvements contiguous to the source of generation and owned and operated by and exclusively for the treatment, storage, or disposal of hazardous waste of the generator.

c. As used in this subsection property is contiguous if it is divided only by a public or private way.

2. "Hazardous waste" means a hazardous waste as defined in section 455B.130, subsection 2 and listed by the environmental quality commission under section 455B.131, subsection

3. "Commission" means the environmental quality commission.

4. "Executive director" means the executive director of the department of environmental quality.

5. "Regulatory agency" means a state or local agency that issues a license or permit required for the construction, operation, or maintenance of a facility pursuant to state statute or rule or local ordinance or resolution in effect on the date the application for a site license is submitted to the commission.

6. "Construct" means significant alteration of a site to install permanent equipment or structures but does not include activities incident to preliminary engineering, environmental studies, or acquisition of a site for a facility. "Construct" includes alteration to existing structures or a land disposal facility to initially accommodate hazardous waste but does not include any alteration to increase the capacity or change the ability to accommodate hazardous waste. However, any alteration to increase or change the ability to accommodate hazardous waste is subject to section 455B.132.

Sec. 3. NEW SECTION. LICENSE REQUIRED.

1. A person shall not construct a facility until the person obtains a site license issued under this Act by the commission. A person planning to construct a facility shall give notice of the intent to construct the facility as provided in this section. The notice shall be served on the executive director and on the city council and board of supervisors of each city and county in which the facility is located and shall be published in a newspaper of general circulation in each city and county in which the proposed site is located once a week for two consecutive weeks. The notice shall contain the following:

a. A description of the proposed location of the facility.

b. A description of the treatment, storage, or disposal method to be used and the types of wastes to be handled, including estimated volumes.

c. The names and addresses of the owners and the operators of the facility.

2. Within fifteen days of the date the notice is last published, the owners and operators of the facility shall submit an application to the executive director requesting that a site license be issued under this Act. The application for a site license shall contain the name and residence of the applicant, and the following additional information:

- a. The location of the proposed facility and a plat of the proposed location.
- b. A description of the design and capacity of the proposed facility.
- c. The expected sources of hazardous wastes for the facility, the proposed methods and routes of transporting the wastes to and from the facility.
- d. The qualifications of the operator.
- e. other relevant information as the commission requires by rule.

The application shall be accompanied by a nonrefundable application fee determined by a schedule established by the commission by rule, but which shall not exceed one thousand dollars.

3. Within thirty days of the receipt of the application, the executive director shall determine whether the application is in substantial compliance with the information requirements, and shall either accept the application or notify the applicant of any deficiencies. An applicant who receives notification of deficiencies in the application has ninety days from the receipt of notice to remedy the deficiencies and resubmit the application for consideration. The executive director shall notify the applicant within thirty days of receipt of a resubmitted application whether the application is accepted. An application rejected under this subsection may be resubmitted only once. If a resubmitted application is rejected the applicant may reapply for a license by giving notice and resubmitting an application as provided in

subsections 1 and 2, including payment of the nonrefundable application fee.

4. This Act does not apply to a facility that is subject to subsection 2 of section 4558.134 and that has obtained applicable local zoning permits and for which contracts have been signed prior to January 1, 1982.

Sec. 4. NEW SECTION. TEMPORARY MEMBERS APPOINTED.

Immediately upon receipt of an application for a site license the executive director shall notify the city council of the city closest to the proposed facility and the county board of supervisors of the county in which the facility is proposed to be located that the application has been received. Within thirty days of the receipt of notification the city council or the county board of supervisors may make the following appointments to the commission for purposes of consideration of the site license application and if the city council or the county board of supervisors chooses to make the temporary appointments the executive director shall be notified of the names of those persons appointed as follows:

1. The county board may appoint two temporary members who are residents of the county.
2. The city council may appoint two temporary members who are residents of the city.

Temporary members who may be appointed under this section shall serve on the commission only during discussion and proceedings relating to the application for a site license which the temporary members were appointed to consider and shall vote only on questions relating to the issuance of that site license. Temporary members shall serve on the commission until final action is taken on the application for the site license which the temporary members were appointed to consider. Temporary members who are not public employees shall receive forty dollars per diem and actual and necessary expenses incurred in performance of their official duties. Temporary employees who are public employees shall receive reimbursement for expenses only. Per diem and expenses under this section shall be paid by the state.

Sec. 5. NEW SECTION. NOTIFICATION REQUIREMENTS. Upon, acceptance of a site license application under section 3 of this Act the executive director shall mail copies of the application to regulatory agencies. A regulatory agency receiving a copy of the application shall conduct a preliminary review of the contents and shall evaluate the application for completeness and for compliance with the regulatory agency's permit or licensing requirements.

Sec. 6. NEW SECTION. PROCEEDING.

1. Within thirty days after the acceptance of the application for a site license, the commission shall establish a timetable for consideration of the application. The timetable for final action by the commission shall not exceed one hundred eighty days after the date the application is accepted.

2. The proceeding for the issuance of a site license is a contested case under chapter 17A.

3. The commission shall establish a date for the hearing on the application and shall serve notice of the hearing on interested agencies, as determined by the commission, and regulatory agencies.

The commission shall notify all owners of record of real property located within one mile from the boundaries of the proposed site of the time and place of the hearing.

4. Notice of the hearing in the form provided in section 17A.12, subsection 2, shall be published in a newspaper of general circulation in each city and county in which the proposed site is located once a week for two consecutive weeks with the second publication being at least twenty days prior to the date of the hearing.

Sec. 7. NEW SECTION. PROCEEDING--ROLE OF REGULATORY AGENCIES.

1. Regulatory agencies that appear on record at the proceeding shall state whether the application meets their permit or licensing requirements. If the application does not meet the requirements of a regulatory agency, the regulatory agency shall state why the application is not in compliance.

2. Any person may present oral or written comments to the commission at the hearing.

Sec. 8. NEW SECTION. DECISION BY COMMISSION.

1. The commission shall grant or deny the site license. In making its decision, the commission shall consider the following:

a. The need for the services to be offered by the facility.

b. The impact of the proposed facility on the area in which it is to be located.

c. The zoning classification of the proposed site and the extent to which a proposed site is by present or projected use dedicated to industrial development.

d. The land uses and the density of population in areas near the facility.

e. The density of population in areas adjacent to probable transportation routes to the facility.

f. The risk and effect of accidents during the transportation of hazardous wastes to the site,

g. The geology of the site, where relevant, with reference to factors which include, but are not limited to, the presence of fault zones and the risk of contamination of ground and surface waters by leaching and runoff from the facility.

h. The risk and effect of fires or explosions from improper storage and disposal methods.

i. The impact of the facility on the operations and responsibilities of the city and county in which the facility is proposed to be located and on cities and counties near the proposed site.

j. Local ordinances, permits, or other requirements and their relationship to the proposed facility.

k. Other criteria adopted by rule which the commission finds relevant to the siting of a facility which are consistent with this Act.

2. The commission shall grant the license if it finds that the facility will meet the requirements imposed by rules

adopted by the commission under section 455B.131, subsection 3, and the permit requirement of section 455B.134, that operation of the facility at the proposed location will be in the public interest and that the public health and welfare and the environment will be adequately protected. The failure of the proposed facility to meet zoning requirements established under chapters 329, 358A, and 414, and the licensing requirements of regulatory agencies except the requirements imposed by sections 455B.131, subsection 3 and 455B.134 shall not preclude the commission from issuing the license and to that extent this subsection supersedes the licensing requirements of regulatory agencies and the requirements of chapters 329, 358A and 414.

3. A municipality as defined in section 613A.1(1), is not liable in an action for damages arising out of the construction, operation, or maintenance of a hazardous waste facility which is licensed by the commission under this Act unless the municipality is responsible for or in control of the facility. However, a municipality may be subject to liability for damages caused by hazardous waste in connection with an act or omission which would otherwise subject the municipality to liability. A municipality shall not be required to pay any portion of the cost associated with the response to a release or threatened release of a hazardous waste from a facility into the land, air, or water that threatens or may threaten human health or the environment unless the municipality is responsible for or in control of the facility or unless the municipality is otherwise subject to liability under this subsection.

Sec. 9. NEW SECTION. ISSUANCE OF LICENSE--EFFECT. Issuance of a license by the commission authorizes construction of the facility on the site designated in the license according to the terms and conditions stated in the license. A license may be transferred, subject to the rules and approval of the commission, to a person who agrees and is able to comply with the terms of the license.

Sec. 10. NEW SECTION. COST OF PROCEEDINGS. The cost of the proceeding for the issuance of a license shall be paid by the applicant for the license until the cost exceeds nine thousand dollars. The executive director shall notify the applicant upon the issuance or denial of the license or upon termination of the proceeding at any point during the process of the cost of the proceeding to the applicant. These costs include the costs of providing notices, holding the hearing and the per diem of the commissioners in the proceeding for the license. Moneys collected shall be deposited in the general fund of the state.

Sec. 11. NEW SECTION. FURTHER APPROVALS PROHIBITED--EXCEPTION. Upon the issuance of a license under this Act, notwithstanding any provision of law or ordinance except statutory requirements relating to the protection of employees engaged in the construction of the facility, no further approval, permit, or license for the construction, operation, or maintenance of the facility as stated in the license shall be required. The commission may incorporate in the license the licensing requirements of a regulatory agency to the extent that those requirements are consistent with the construction and operation of the facility according to the requirements of the commission. However, this section does not limit the authority of the executive director under sections 455B.132 and 455B.134. A local unit of government shall not unduly restrict the transportation of hazardous waste to a facility for which a license has been issued under this Act.

Sec. 12. NEW SECTION. SINGLE HEARING--JUDICIAL REVIEW. Notwithstanding chapter 17A:

1. Any proceeding or oral presentation held before the commission on an application for a license shall be held in lieu of any other proceeding or oral presentation required for a license or permit necessary for the construction, maintenance, or operation of a facility.

2. The issuance or denial of the license is a final agency action. and the date for determining whether any person is aggrieved or adversely affected by the action is the date of the issuance or denial of the license.

Sec. 13. NEW SECTION. RULES. The commission shall adopt rules under chapter 17A necessary to implement this Act including but not limited to the form for an application for a license and **the** description of information to be furnished by the applicant.

Sec. 14. NEW SECTION. PENALTIES. A person required to obtain a site license under this Act who constructs a facility without having first obtained the license is subject to a civil penalty of not more than ten thousand dollars for each violation *or* for each day of continuing violation. Civil penalties Collected pursuant to this Subsection shall be forwarded by the clerk of court to the treasurer of state for deposit in the general fund of the state.

Sec. 15. NEW SECTION. SURCHARGE IMPOSED. A land burial surcharge tax of two percent is imposed on the fee for land burial of a hazardous waste. The owner of the land burial facility shall remit the tax collected to the director of revenue after consultation with the executive director according to rules that the director shall adopt. The executive director shall forward a copy of the site license to the director of revenue which shall be the appropriate license for the collection of the land burial surcharge tax and shall be subject to suspension or revocation if the site license holder fails to collect or remit the tax collected under section 15 of this Act. The provisions of sections 422.25, subsection 4, 422.30, 422.48 to 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69, subsection 1, and 422.70 to 422.75, consistent with the provisions of this Act, shall apply with respect to the taxes authorized under this Act, in the same manner and with the same effect as if the land burial surcharge tax were retail sales taxes within the meaning of those statutes. Notwithstanding the provisions of this

paragraph, the director shall provide for only quarterly filing of returns as prescribed in section 422.51. Taxes collected by the director of revenue under this section shall be deposited in the general fund of the state.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROWER
Speaker of the House

I hereby certify that this **bill** originated in the Senate and is known as senate Pile 420, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

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SENATE FILE 425

AN ACT

RELATING TO THE IOWA HOUSING FINANCE AUTHORITY AND ITS RECORDS, LOANS, LENDING PRACTICES, AND QUORUM REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 220.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. When used in the context of an assumption of a loan, "assume" or "assumed" mean any type of transaction involving the sale or transfer of an ownership interest in real estate financed by the authority, whether the conveyance involves a transfer by deed or real estate contract or some other device.

Sec. 2. Section 220.2, subsection 3, Code 1981, is amended to read as follows:

3. Five members of the authority constitute a quorum and the affirmative vote of ~~at least five~~ a majority of the appointed members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the

right of a quorum to exercise all rights and perform all duties of the authority.

Sec. 3. Section 220.12, subsection 2, Code 1981, is amended to read as follows:

2. A property improvement loan or mortgage loan under this section may be made only when the authority determines that the housing sponsor is unable to obtain the necessary financing from ~~other~~ nongovernmental sources upon terms and conditions which the sponsor reasonably could be expected to fulfill.

Sec. 4. Section 220.18, subsection 2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The authority may make or participate in the making of property improvement loans or mortgage loans for rehabilitation or preservation of existing dwellings for the use of low or moderate income families, elderly families or families which include one or more persons who are handicapped or disabled. A rehabilitation or preservation loan may be for the estimated cost of the rehabilitation work to be done, for the purpose of refinancing an existing mortgage loan, for the purpose of doing the rehabilitation work, or for the purpose of acquiring housing in which rehabilitation work is to be done. The rehabilitation or preservation loan shall not exceed, with all other existing indebtedness of the property, the estimated market value of the property as determined by the authority, after the rehabilitation or preservation is completed, and the term of a loan shall not exceed the estimated useful life of the property as determined by the authority, after rehabilitation or preservation. The proposed rehabilitation or preservation shall assure that the property will not contain any substantial violation of applicable housing codes. A rehabilitation or preservation loan under this subsection may be made only when the authority determines that the proposed mortgagor is unable to obtain the necessary financing from ~~other~~ nongovernmental sources upon terms and

conditions which the proposed mortgagor reasonably could be expected to fulfill. A rehabilitation or preservation loan under this subsection may be provided only within an area of a city for which an authorized city agency submits a satisfactory affirmative neighborhood preservation program, or in other areas within or outside of cities where the authority determines that rehabilitation or preservation is economically sound and a program of neighborhood preservation is appropriate. The following criteria, along with others reasonably related to the purposes of this chapter, which may be determined by the authority, shall be considered in determining whether an affirmative neighborhood preservation program is satisfactory:

Sec. 5. Section 220.38, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Any sale of a residence securing a mortgage loan financed by the authority, either directly or indirectly, must be reported to the authority by the borrower.

Sec. 6. Chapter 220, code 1981, is amended by adding the following new section:

NEW SECTION. INCONSISTENT PROVISIONS. This chapter takes precedence over any conflicting provisions contained in section 535.8, subsection 2, with respect to the use or enforcement of a due-on-sale or similar clause in a mortgage loan agreement, and takes precedence over any conflicting provisions contained in laws enacted after the effective date of this Act with respect to the use or enforcement of a due-on-sale or similar clause in a mortgage loan agreement unless those laws expressly provide that they take precedence over this chapter.

Sec. 7. Chapter 220, Code 1981, is amended by adding the following new section:

NEW SECTION. The authority shall be the agency of this state to designate "areas of economic distress" for purposes of section 103A(k)(3)(A)(i) of the United States Internal Revenue Code of 1954, as amended.

Sec. 8. Section 537.1301, subsection 14, paragraph b, Code 1981, is amended by adding the following new subparagraph: **NEW SUBPARAGRAPH.** A loan financed by the Iowa housing finance authority and secured by a lien on land.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMEI?
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 425, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

sold in the regular course of the retailer's business and which is held for sale upon which the gross receipts tax under this division or the use tax under chapter 423 will be paid when the tangible personal property is sold.

SENATE FILE 466

AN ACT

RELATING TO THE PROCESSING EXEMPTION IN THE STATE SALES, SERVICES, AND USE TAX BY INCLUDING IN THE DEFINITION OF SERVICES USED IN PROCESSING OF TANGIBLE PERSONAL PROPERTY, THE RECONDITIONING OR REPAIRING OF TANGIBLE PROPERTY OF THE TYPE NORMALLY SOLD IN THE REGULAR COURSE OF THE RETAILER'S BUSINESS AND WHICH IS HELD FOR SALE UPON WHICH THE SALES, SERVICES, OR USE TAX WILL BE PAID WHEN THE PROPERTY IS SOLD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.42, subsection 13, Code 1981, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. "Services used in the processing of tangible personal property" includes the reconditioning or repairing of tangible personal property of the type normally

TERRY E. BRANSTAD
President of the Senate

DELRYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 466, Sixty-ninth General Assembly.

LYNDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 506

AN ACT

REDEFINING THE TYPES OF PROJECTS FOR WHICH INDUSTRIAL REVENUE BONDS MAY BE ISSUED UNDER CHAPTER 419 FOR THE PURPOSE OF INCLUDING FACILITIES TO BE USED FOR THE SANITARY DISPOSAL FOR RECYCLING OF SOLID WASTE OR FOR THE PURPOSE OF A TELEPHONE COMPANY OR TO BE USED AS PART OF ANY COMMERCIAL AMUSEMENT OR THEME PARK OR TO BE USED FOR AN OFFICE BUILDING, INCLUDING APPROPRIATE ANCILLARY FACILITIES, EXCLUSIVELY BY PROFESSIONAL HEALTH CARE PROVIDERS AND PROVIDING FOR ITS EFFECT UPON PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 419.1, subsection 2, Code 1981, is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4,

or of one or more physicians for an office building to be used exclusively by professional health care providers, including appropriate ancillary facilities, or of any private college or university, or any state institution governed under chapter 262 whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, or of a telephone company, or of a beginning businessperson for any purpose, or of any commercial amusement or theme park, or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility or for the disposal, including without limitation recycling, of solid waste. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including, without limiting the generality of the foregoing, rights of way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs, utilities, materials, equipment,

fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or **mixed property** of every kind, whether above or below ground level.

Sec. 2. This Act takes effect from and after its publication in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa, and in the Sigourney News-Review, a newspaper published in Sigourney, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of **the** House

I hereby certify that **this bill** originated in **the** Senate **and is known as** Senate File 506, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Urbandale News, a newspaper published in Urbandale, Iowa, and the Linn News-Letter, a newspaper published in Central City, Iowa.

SENATE FILE 507

AN ACT

PERMITTING CITIES TO ISSUE AND SELL PLEDGE ORDERS TO REFUND REVENUE BONDS, PLEDGE ORDERS, AND OTHER OBLIGATIONS, AND TAKING EFFECT UPON PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 384.82, subsection 2, Code 1981, is amended to read as follows:

2. A city may issue revenue bonds of pledge orders to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same city utility, combined utility system, city enterprise, or combined city enterprise, or from a city utility comprising a part of the combined utility system or a city enterprise comprising a part of the combined city enterprise, at lower, the same, or higher rates of interest. A city may sell refunding revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and apply the proceeds ~~thereof~~ to the payment of the obligations being refunded, and may exchange refunding revenue bonds or pledge orders in payment and discharge of the obligations being refunded. The principal amount of any refunding revenue bonds or pledge orders may exceed the principal amount of the obligations being refunded to the extent necessary to pay **any a** premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the Obligations being refunded.

TERRY E. BRANSTAD
President of the Senate

DEWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 507, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

may be admitted after the expiration of the five-year period as documentary evidence of title only.

SENATE FILE 515

AN ACT

RELATING TO A LIMITATION ON ~~THE~~ TIME PERIOD FOR THE FILING OF ESTATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 633.331, Code 1981, is amended to read as follows:

633.331 LIMITATION OF ADMINISTRATION. ~~Probate-of-a-will, original-administration~~ Administration of an ~~intestate~~ estate, ~~testate or intestate, domiciliary or ancillary administration of-an-estate,~~ shall not be granted after five years from the death of the decedent, whether ~~he-die~~ the decedent died within or without this state, unless a petition ~~therefor~~ for administration is filed prior to the expiration of the five-year period. ~~Provided, however, that~~ However, the ~~limitation herein-provided-shall-not-apply-to-the-probate-of-a-will-of a-decedent-who-died-prior-to-January-1,-1964~~ will of a decedent

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 515, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

S.F. 515

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SENATE FILE 532

AN ACT

AUTHORIZING THE IOWA FAMILY FARM DEVELOPMENT AUTHORITY TO ESTABLISH AN ADDITIONAL LOAN PROGRAM TO BEGINNING FARMERS AND TO ISSUE LIMITED OBLIGATIONS THEREFOR AND TO AMEND AND CLARIFY CERTAIN OTHER PROVISIONS OF CHAPTER 175.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 175, Code 1981, is amended by adding the following new section:

NEW SECTION. ADDITIONAL LOAN PROGRAM.

1. The authority may enter into a loan agreement with a beginning farmer to finance in whole or in part the acquisition by construction or purchase of agricultural land, agricultural improvements, or depreciable agricultural property. The repayment obligation of the beginning farmer may be unsecured, or may be secured by a mortgage or security agreement or by other security as the authority deems advisable, and may be evidenced by one or more notes of the beginning farmer. The loan agreement may contain terms and conditions as the authority deems advisable.

2. The authority may issue its bonds and notes for the purposes set forth in subsection 1 and may enter into a lending agreement or purchase agreement with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. Bonds and notes must be authorized by a resolution of the authority.

The authority and the bondholders or noteholders may enter into an agreement to provide for any of the following:

a. That the proceeds of the bonds and notes and investments thereon may be received, held, and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority, may collect, invest, and apply the amounts payable under the loan agreement or any other security instrument securing the debt obligation of the beginning farmer.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreement or security instrument on their own behalf without the appointment or designation of a trustee and if there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained therein, the payment or performance may be enforced in accordance with the provisions contained therein.

d. That if there is a default in the payment of the principal or interest on a mortgage or security instrument or a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument may be foreclosed or enforced and any collateral sold under proceedings or actions permitted by law and a trustee under the mortgage or security agreement or the holder of any bonds or notes secured thereby may become a purchaser if it is the highest bidder.

e. Other terms and conditions.

3. The authority may provide in the resolution authorizing the issuance of the bonds or notes that the principal and interest shall be limited obligation payable solely out of the revenues derived from the debt obligation, collateral, or other security furnished by or on behalf of the beginning farmer, and that the principal and interest does not constitute

SF. 532

an indebtedness of the authority or a charge against its general credit or general fund.

4. The powers granted the authority under this section are in addition to other powers contained in this chapter. All other provisions of this chapter, except section 175.17, subsection 9 and section 175.19, subsection 4, apply to bonds or notes issued pursuant to and powers granted to the authority under this section except to the extent that they are inconsistent with this section.

Sec. 2. Section 175.2, subsection 11, Code 1981, is amended to read as follows:

11. "Mortgage lender" means a bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency ~~of~~ or instrumentality, including without limitation the federal land bank or any of its local associations, or any other financial institution or entity authorized to make mortgage loans or secured loans in this state.

Sec. 3. Section 175.12, subsection 2, paragraph f, Code 1981, is amended to read as follows:

f. The authority determines that the beginning farmer is unable to secure financing from ~~conventional nongovernmental~~ sources upon terms and conditions which the beginning farmer reasonably could be expected to fulfill.

Sec. 4. Section 175.12, subsection 5, Code 1981, is amended to read as follows:

5. The authority may participate in any interest in any mortgage or secured loan made or purchased pursuant to this chapter with a mortgage lender. The participation interest may be on a parity with the interest in the mortgage or secured loan retained by the authority, equally and ratably secured by the mortgage or securing agreement securing the mortgage or secured loan.

Sec. 5. Section 175.19, subsection 2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The bondholders or noteholders may, to the extent provided in the resolution to which the bonds or notes were issued or in its agreement with the authority, enforce any of the remedies in paragraphs a through e or the remedies provided in such proceedings or agreements for and on their own behalf.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 532, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

Press-Citizen, a newspaper published in Ankeny, Iowa, and in the Storm Lake Register, a newspaper published in Storm Lake, Iowa.

SENATE FILE 542

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1981, FOR THE AID TO DEPENDENT CHILDREN PROGRAM, FIELD OPERATIONS, AND OPERATION OF THE ADULT CORRECTIONAL INSTITUTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, and ending June 30, 1981, seven million one hundred thousand (7,100,000) dollars, or so much thereof as is necessary, for the aid to dependent children program.

Sec. 2. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, and ending June 30, 1981, four hundred forty thousand (440,000) dollars, or so much thereof as is necessary, for the division of field operations.

Sec. 3. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, and ending June 30, 1981, one million three hundred sixty-eight thousand (1,368,000) dollars, or so much thereof as is necessary, for operation of the adult correctional institutions.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ankeny

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the Eouse

I hereby certify that this bill originated in the Senate and is known as Senate File 542, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

S.F. 542

SENATE FILE 546

AN ACT

RELATING TO THE SALE BY THE DEPARTMENT OF SOCIAL SERVICES OF THE PECK DAY CARE CENTER IN NEWTON, IOWA AND THE SANFORD DAY CARE CENTER IN SIOUX CITY, IOWA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The commissioner of the department of social services, subject to the approval of the executive council, and pursuant to section 218.94, may sell the real estate and associated personal property known as the Peck day care center in Newton, Iowa, to a nonprofit corporation which is organized for the purpose of providing child day care as a child care center, as defined in section 237A.1, subsection 8, and has its registered and principal office in Newton, Iowa, for one dollar and other valuable consideration. The department of social services may reject any or all bids for the property. The purchaser shall pay all costs incurred in the sale, including but not limited to legal fees, appraisals, title opinions, and recording fees. The transfer of title shall include a restrictive covenant requiring the property to be used solely for the provision of child day care for at least seven years.

Sec. 2. The commissioner of the department of social services, subject to the approval of the executive council, and pursuant to section 218.94, may sell the real estate and associated personal property known as the Sanford day care center in Sioux City, Iowa, to a nonprofit corporation which is organized for the purpose of providing child day care as a child care center, as defined in section 237A.1, subsection 8, and has its registered and principal office in Sioux City, Iowa, for one dollar and other valuable consideration. The department of social services may reject any or all bids for

the property. The purchaser shall pay all costs incurred in the sale, including but not limited to legal fees, appraisals, title opinions, and recording fees. The transfer of title shall include a restrictive covenant requiring the property to be used solely for the provision of child day care for at least seven years.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Storm Lake Register, a newspaper published in Storm Lake, Iowa, and in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 546, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 548

AN ACT
RELATING TO AND MAKING APPROPRIATIONS TO VARIOUS STATE REGULATORY, ADMINISTRATIVE AND FINANCE DEPARTMENTS, BOARDS, AND COMMISSIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following boards the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF ARCHITECTURAL EXAMINERS		
For salaries, support, maintenance, rental fees, and other operational purposes.....	8 45,756	\$ 46,246
2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS		
For salaries, support, maintenance, rental fees, and other operational purposes.....	\$ 15,246	\$ 16,771
3. BOARD OF WATCHMAKING EXAMINERS		
For salaries, support, main-		

tenance, and other operational purposes..... \$ 11,024 \$ 11,247

4. BOARD OF ACCOUNTANCY

For salaries, support, maintenance, and other operational purposes..... \$ 262,600 \$ 288,815

5. STATE BOARD OF ENGINEERING EXAMINERS

For salaries, support, maintenance, rental fees, and other operational purposes..... \$ 124,716 \$ 128,290

Sec. 2. There is appropriated from the general fund of the state to the following departments and commissions for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. AUDITOR OF STATE		
For salaries, support, maintenance, and other operational purposes.....	\$ 1,462,768	\$ 1,533,301
The cost of all licensed substance abuse programs subject to regular audit by the auditor of state or to special audits requested by the director of substance abuse shall be reimbursed to the auditor of state from such programs.		
2. DEPARTMENT OF BANKING		
For salaries, support, maintenance, and other operational purposes.....	\$ 2,627,368	\$ 2,721,893
3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT		
For salaries, support, maintenance, and other Operational		

purposes..... \$15,786,931 \$16,539,864

It is the intent of the general assembly that all state liquor stores in operation as of April 1, 1981 shall continue in operation.

4. CAMPAIGN FINANCE DIS-CLOSURE COMMISSION

For salaries, support, maintenance, and other operational purposes..... \$ 106,911 \$ 111,859

5. IOWA STATE COMMERCE COMMISSION

a. General Administration
For salaries, support, maintenance, and other operational purposes..... \$ 413,846 8 395,621

b. Warehouse Division
For salaries, support, maintenance, and other operational purposes..... \$ 869,561 \$ 801,705

c. Utilities Division
For salaries, support, maintenance, rental fees, and other operational purposes..... \$ 2,746,674 \$ 2,515,473

It is the intent of the general assembly that the appropriation made under paragraph b is contingent upon the enactment and signing into law of House File 841. If House File 841 is not enacted and does not become law the funds appropriated under paragraph b for the warehouse division are reduced for the fiscal year beginning July 1, 1981 and ending June 30, 1982 to the amount of six hundred forty-three thousand eight hundred nine (643,809) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 to the amount of five hundred eighty-seven thousand nine hundred twenty (587,920) dollars.

6. STATE COMPTROLLER

a. General Office

For salaries, support, maintenance, and other operational purposes..... \$ 1,208,150 \$ 1,267,465

b. Division of Data Processing

For salaries, support, maintenance, and other operational purposes..... 8 5,777,681 \$ 5,977,943

7. CREDIT UNION DEPARTMENT

For salaries, support, maintenance, rental fees, and other operational purposes..... \$ 452,806 \$ 481,738

It is the intent of the general assembly that the credit union department be allowed one additional examiner in each fiscal year of the fiscal biennium.

8. INDUSTRIAL COMMISSIONER

For salaries, support, maintenance, and other operational purposes..... \$ 885,000 \$ 925,000

It is the intent of the general assembly that the industrial commissioner be allowed one additional deputy commissioner in the fiscal biennium.

9. INSURANCE DEPARTMENT OF IOWA

For Salaries, support, maintenance, and other operational purposes..... \$ 2,386,447 \$ 2,430,087

10. IOWA DEPARTMENT OF JOB SERVICE

For salaries, support, maintenance, and other operational purposes for the administration of chapter 97 and chapter 97C and section 294.15..... \$ 128,887 \$ 135,102

11. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION		
For salaries, Support; maintenance, and other operational purposes.....		
	\$ 45,277	\$ 47,134
12. PUBLIC EMPLOYMENT RELATIONS BOARD		
For salaries, support, maintenance, and other operational purposes.....		
	\$ 544,090	\$ 570,638
13. IOWA REAL ESTATE COMMISSION		
For salaries, support, maintenance, rental fees, and other operational purposes.....		
	\$ 256,980	\$ 269,168
14. DEPARTMENT OF REVENUE		
For salaries, support, maintenance, and other operational purposes.....		
	\$13,170,805	\$13,774,559
15. SECRETARY OF STATE		
a. For salaries, support, maintenance, and other operational purposes.....		
	\$ 712,905	\$ 747,280
b. For development and implementation of a computerized system for the corporation and uniform commercial code divisions.....		
	8 355,000	\$ 353,000
16. TREASURER OF STATE		
For salaries, support, maintenance, and other operational purposes.....		
	\$ 379,424	\$ 397,718

Sec. 3. There is appropriated from the general fund of the state to the moneys and credits replacement fund established in section 422.100 for each fiscal year of the

fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for payments to counties as provided in section 422.100.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 2,385,000	\$ 2,500,000

Sec. 4. There is appropriated from the general fund of the state to the county government assistance fund, established in section 334A.1, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for state assistance to counties, with distribution in accordance with section 334A.2. The state comptroller, before making such distribution, shall credit to the county finance committee on July 1, 1981 and on July 1, 1982 the sum of forty-nine thousand three hundred thirty (49,330) dollars.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 5,103,900	\$ 5,350,000

Sec. 5. There is appropriated from the general fund of the state to the municipal assistance fund, established in section 405.1, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for state assistance to municipalities, with distribution in accordance with section 405.1. The state comptroller, before making such distribution, shall credit to the city finance committee on July 1, 1981 the sum of ten thousand three hundred three (10,303) dollars and on July 1, 1982 the sum of ten thousand eight hundred (10,800) dollars.

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$13,976,100	\$14,650,000

Sec. 6. There is appropriated from the motor vehicle fuel tax fund to the ~~department of~~ revenue for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, for salaries, support, maintenance, and other operational purposes for ~~administration~~ and enforcement of the provisions of chapter 324 and the motor vehicle use tax program.

1981-1982 <u>Fiscal Year</u>	1982-1983 <u>Fiscal Year</u>
\$ 659,535	\$ 659,535

Sec. 7. There is appropriated from the Iowa public employees' retirement system fund for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983 to the Iowa department of job service, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

1981-1982 <u>Fiscal Year</u>	1982-1983 <u>Fiscal Year</u>
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For salaries, support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system.....	\$ 1,941,912	\$ 2,099,175
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Sec. 8. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 9. The director of the department of general services shall charge the following agencies a fee for the rental of space provided by the department of general services for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983 in the following amounts:

	<u>1981-1982 Fiscal Year</u>	<u>1982-1983 Fiscal Year</u>
1. BOARD OF ARCHITECTURAL EXAMINERS	\$ 1,200	\$ 1,200
2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS.....	\$ 1,200	\$ 1,200
3. STATE BOARD OF ENGINEERING EXAMINERS.....	\$ 6,000	\$ 6,000
4. IOWA STATE COMMERCE COMMISSION		
Utilities Division.....	\$ 139,500	\$ 139,500
5. CREDIT UNION DEPARTMENT.....	\$ 5,000	\$ 5,000
6. IOWA REAL ESTATE COMMISSION.....	\$ 8,500	\$ 8,500

Sec. 10. Section 18.12, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Establish rental fees for space owned by the state and provided by the department to a state agency to which the general assembly has specifically appropriated funds to pay the rental fees.

The director shall notify each state agency provided space by the department to which an appropriation for the rental of that space has been made of the rental fee for the space. The fee shall be based on the cost of the space, services provided to the agency by the division of buildings and grounds, maintenance, utilities, administration, and other property management costs. ~~The state~~ agency shall pay the fee to the department in the same manner as other expenses of the state agency are paid. Fees collected shall be deposited in the general fund of the state.

Sec. 11. Section 123.27, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. On any legal holiday except those designated by the director and approved by the executive council.

Sec. 12. Section 123.28, code 1981, is amended to read as follows:

123.28 TRANSPORTATION PERMITTED. It shall be lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to any state warehouse, store, or depot established by the department or from one such place to another and, when so permitted by this chapter, it shall be lawful for any common carrier or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot or point of purchase by the state to any place to which such liquor may be lawfully delivered under this chapter. ~~No~~ Notwithstanding section 321.230, sections 321.225 and 321.226 do not apply to department employees in the regular course of their employment. A common carrier or other person shall not break or open or allow to be broken or opened any container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section shall not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of such transportation. ~~Nothing-in-this~~ This section shall not affect the right of any special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

Sec. 13. Section 86.9, code 1981, is amended by adding the following new unnumberd paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may make an annual report setting forth the final decisions, rulings, and orders of the office for the preceding year and setting forth other matters or information that the commissioner considers desirable for publication. These annual reports may be distributed by the state on request to public officials as set forth in chapter 17. Members of the public may obtain

the annual report upon payment of cost as set by the commissioner.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 548, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

and in the Lee Town News, a newspaper published in Des Moines, Iowa.

SENATE FILE 551

AN ACT

RELATING TO THE SALE OF PUBLIC REVENUE BONDS AND MAKING IT EFFECTIVE UPON PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 75, Code 1981, is amended by adding the following new section:

NEW SECTION. Any other provisions of this chapter or any other law to the contrary notwithstanding, if the principal amount of an issue of public revenue bonds is fifteen million dollars or greater, the official or governing body in charge of the bond sale may, if the official or governing body deems it advisable and in the best interests of the public, sell the bonds at private sale without the necessity of public advertisement or the taking of competitive bids and at a price above, at, or below par, plus accrued interest, as the official or governing body deems advisable and in the best interests of the public.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa,

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 551, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____ 98

ROBERT D. RAY
Governor

SENATE FILE 552

AN ACT

RELATING TO **AND MAKING APPROPRIATIONS TO AGENCIES, INSTITUTIONS, COMMISSIONS, DEPARTMENTS, AND BOARDS RESPONSIBLE FOR EDUCATION PROGRAMS OF THIS STATE.**

BE IT ENACTED BY **THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

IOWA COMMISSION FOR THE BLIND

For salaries, support, maintenance, and miscellaneous purposes \$ 893,900 \$ 920,800

Sec. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. IOWA COLLEGE AID COMMISSION

For salaries, support, maintenance, and miscellaneous purposes \$ 317,595 6 341,704

2. TUITION GRANT PROGRAM

To supplement the appropriation provided in subsec-

tion 1 of section 261.25 for tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections 261.9 to

261.16 \$ 2,071,500 \$ 2,750,000

3. VOCATIONAL TECHNICAL TUITION GRANT PROGRAM

To supplement the appropriation provided in subsection 3 of section 261.25 for tuition grants to full-time resident students in a vocational-technical program in Iowa as provided in section 261.17

\$ 79,300 \$ 100,000

Sec. 3.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of ninety thousand (90,000) dollars, or so much thereof as may be necessary, and for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.26 and 261.27. Notwithstanding section 261.27, from the fund6 appropriated by this section not more than thirty thousand (30,000) dollars shall be allocated to each of the classes of students which received funds during the fiscal year beginning July 1, 1980, which includes the second, third and fourth year classes for the fiscal year beginning July 1, 1981 and the third and fourth year classes for the fiscal year beginning July 1, 1982.

2. In addition to the requirements of sections 261.26 and 261.27, the availability of funds appropriated by this section is subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1981-1982 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1981, financial audits, conducted by an independent third party, of the participating colleges of optometry.

b. One-half of the funds appropriated for fiscal year 1982-1983 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1982, financial audits conducted by an independent third party, of the participating colleges of optometry.

Sec. 4.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the sum of four hundred fifty thousand (450,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, the subvention shall be used for the admission and education of not less than thirty percent of each of the classes of students in the college of osteopathic medicine and surgery that received funds during the fiscal year beginning July 1, 1980, which includes the second and third year classes for the fiscal year beginning July 1, 1981 and the third and fourth year classes for the fiscal year beginning July 1, 1982.

2. In addition to the requirements of sections 261.18 and 261.19, the availability of funds appropriated by this section is subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1981-1982 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1981, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

b. One-half of the funds appropriated for fiscal year 1982-1983 shall not be released until delivery to the

legislative fiscal bureau of the June 30, 1982, financial audits conducted by an independent third party, of the college of Osteopathic medicine and surgery.

Sec. 5.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1981, and ending June 30, 1982, the sum of forty thousand (40,000) dollars and for the fiscal year beginning July 1, 1982, and ending June 30, 1983, the sum of twenty thousand (20,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.22 and 261.23.

2. In addition to the requirements of sections 261.22 and 261.23, the availability of funds appropriated by this section is subject to the following conditions:

a. One-half of the funds appropriated for fiscal year 1981-1982 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1981, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

b. One-half of the funds appropriated for fiscal year 1982-1983 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1982, financial audits, conducted by an independent third party, of the participating colleges of podiatry.

Sec. 6. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard who are enrolled as an undergraduate in an Iowa post-secondary educational institution. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty (250)

dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five (125) dollars per year.

Sec. 7. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the state educational radio and television facility the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 4,817,603	\$ 5,045,076

Sec. 8. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the department of public instruction the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL OFFICE ADMINISTRATION		
a. For salaries, support, maintenance, and miscellaneous purposes and membership fees for Iowa in the education commission of the states	\$ 3,077,158	6 3,225,533
b. For fire service education	\$ 190,800	6 200,000
c. For allocation to area education agency 6 for special education support services costs	\$ 80,791	\$
d. For allocation to area education agency		

7 for special education support services costs \$ 112,803 \$
 e. Funds appropriated under paragraphs c and d of this subsection shall not affect the calculation of the state cost per pupil or any district cost per pupil.

2. VOCATIONAL EDUCATION ADMINISTRATION
 For salaries, support, maintenance, and miscellaneous purposes

	\$ 775,997	\$ 813,414
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3. VOCATIONAL EDUCATION, ADMINISTRATION
 For vocational education aid to secondary schools

	\$ 3,574,638	\$ 3,747,000
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Funds appropriated by this paragraph are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with the provisions of chapter 258 and chapter 280A, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.

4. VOCATIONAL REHABILITATION
 For salaries, support, maintenance, and miscellaneous purposes

	\$ 2,483,910	\$ 2,603,679
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5. PROFESSIONAL TEACHING PRACTICES COMMISSION
 For the use of the professional teaching practices commission to carry out the provisions of chapter 272A

	6 49,145	\$ 51,515
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6. VOCATIONAL YOUTH ORGANI-

4 1/2

ZATION FUND

To carry out the provisions of section 258.14 \$ 9,540 \$ 10,000

7. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations \$ 3,300,000 \$ 3,300,000

8. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section 301.1. Such funding shall be limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils \$ 381,600 \$ 400,000

9. SCHOOL BUDGET REVIEW COMMITTEE \$ 200,000 \$ 200,000

10. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2 the amount of forty-five million nine hun-

dred twenty-six thousand nine hundred ninety-one (45,926,991) dollars for fiscal year 1981-1982 and forty-eight million one hundred forty-one thousand five hundred (48,141,500) dollars for fiscal year 1982-1983 to be allocated as follows:

(1) Merged Area I	\$ 2,119,236	\$ 2,221,421
(2) Merged Area II	\$ 2,953,268	\$ 3,095,669
(3) Merged Area III	\$ 2,669,781	\$ 2,798,513
(4) Merged Area IV	\$ 976,637	\$ 1,023,377
(5) Merged Area V	\$ 3,350,749	\$ 3,512,316
(6) Merged Area VI	\$ 2,876,874	\$ 3,015,591
(7) Merged Area VII	\$ 3,320,384	\$ 3,480,487
(8) Merged Area IX	\$ 3,739,631	\$ 3,919,949
(9) Merged Area X	\$ 5,582,281	\$ 5,851,448
(10) Merged Area XI	\$ 6,914,837	\$ 7,248,257
(11) Merged Area XII	\$ 2,159,952	\$ 2,264,101
(12) Merged Area XIII	\$ 3,219,951	\$ 3,375,211
(13) Merged Area XIV	\$ 1,157,334	\$ 1,213,137
(14) Merged Area XV	\$ 2,701,059	\$ 2,831,299
(15) Merged Area XVI	\$ 2,185,017	\$ 2,290,374

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b. To be allocated to the merged area schools for continued support of programs begun during the fiscal years beginning July 1, 1979 and July 1, 1980 under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsection 11, paragraph d \$ 190,800 \$ 200,000

c. To be allocated to the merged area schools for assis-

tance in meeting increased utility and fuel costs which exceed energy conservation savings realized under an area school's energy conservation plan

	\$	600,000	\$	600,000
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d. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged area schools in accordance with the provisions of chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools

	\$	8,299,800	\$	8,700,000
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e. For Merged Area V
For operation of the radio station

	\$	98,898	\$	103,667
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f. For Merged Area XII
For operation of the radio station

	\$	98,898	\$	103,667
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g. For Merged Area XIII
For operation of the radio station

	\$	98,898	\$	103,667
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Sec. 9. There is appropriated from the general fund of the state to the state board of regents for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following amounts, or so much thereof as may be necessary for use for the following designated purposes, however, as a condition for the appropriation of these funds, the state board of regents, for purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state of

Iowa with respect to its faculty, scientific, and other professional staff.

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. OFFICE OF STATE BOARD OF REGENTS		
a. For salaries, support, maintenance, equipment, and miscellaneous purposes, including state board of regents members receiving a per diem not to exceed forty dollars per day	\$ 373,818	\$ 391,843
b. For western Iowa continuing education	\$ 95,400	\$ 100,000

Funds appropriated to the state board of regents shall be allocated to the institutions to be used for instructional purposes and direct instructional support.

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus

	\$ 92,397,351	\$ 97,294,990
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b. University hospitals
For salaries, support,

maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in Chapter 255 \$ 20,819,800 . \$ 22,046,392

As a condition of the appropriation made in this paragraph, funds appropriated in this section shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

c. Psychiatric hospital
For salaries, support, maintenance, equipment, and miscellaneous purposes

and for the care, treatment and maintenance of committed and voluntary public patients \$ 4,396,714 \$ 4,608,028

d. State hygienic laboratory
For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 1,699,565 \$ 1,781,515

e. Hospital school
For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 3,145,138 \$ 3,296,067

f. Oakdale campus
For salaries, support, maintenance, equipment, and miscellaneous purposes beyond that amount underwritten from charges to counties, agencies, and individual patients at no less than twenty-five percent of per diem cost \$ 1,931,198 \$ 2,016,312

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university
For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 76,208,384 \$ 80,161,263

b. Agricultural experiment station
For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 8,438,418 \$ 8,845,302

c. Cooperative extension service in agricul-

ture and home economics
 For salaries, support,
 maintenance, and miscel-
 laneous purposes \$ 8,048,331 \$ 8,436,406

4. UNIVERSITY OF
 NORTHERN IOWA

For salaries, support,
 maintenance, equipment,
 and miscellaneous purposes \$ 29,985,397 \$ 31,428,042

It is the intent of the general assembly that from funds
 appropriated in this subsection, twenty-five thousand (25,000)
 dollars shall be expended each fiscal year to support stipends
 for graduate students in the doctoral programs.

5. STATE SCHOOL FOR
 THE DEAF

For salaries, support,
 maintenance, and miscel-
 laneous purposes \$ 3,711,102 \$ 3,886,717

6. IOWA BRAILLE AND
 SIGHT-SAVING SCHOOL

For salaries, support,
 maintenance, and miscel-
 laneous purposes \$ 2,010,760 \$ 2,108,329

7. FAMILY PRACTICE
 PROGRAM

For allocation by the
 dean of the college of
 medicine, with approval
 of the advisory board,
 to qualified partici-
 pants, to carry out the
 provisions of chapter 148C \$ 1,140,030 \$ 1,195,000

Sec. 10. Section 261.18, subsection 1, Code 1981, is
 amended to read as follows:

1. There is established a subvention program for resident
 students who are enrolled in the college of osteopathic

medicine and surgery of Des Moines, Iowa. The subvention
 program shall be administered by the commission in the manner
 provided in this section and section 261.19. The commission
 shall initiate an affirmative action program to insure equal
 opportunity for Participation by women, men, and minority
 students in the Program provided for in this section and
 section 261.19.

Sec. 11. Section 261.23, Code 1981, is amended to read
 as follows:

261.23 CONTRACT FOR RIGHT TO ENTER SCHOOL. In carrying
 out its duties under ~~the provisions of~~ section 261.22 the
 commission shall contract for the right of not less than five
 qualified persons for each academic class to enter of students
 which received funds during the fiscal year beginning July
 1, 1980, which includes the third and fourth year classes
 for the fiscal year beginning July 1, 1981 and the fourth
 year class for the fiscal year beginning July 1, 1982, enrolled
 in accredited schools and colleges of podiatry during each
 academic school year. The commission shall initiate an
 affirmative action program to insure equal opportunity for
 participation by women, men, and minority students in the
 program provided for in this section and section 261.22.
 Funds expended on behalf of each person shall not exceed four
 thousand dollars during any fiscal year. The commission shall
 make a report regarding its duties under section 261.22 to
 the legislative fiscal committee at such time as the
 legislative fiscal committee shall request.

Sec. 12. Section 261.35, subsection 5, Code 1981, is
 amended to read as follows:

5. "Eligible student borrower^D means a person, or the
 parent of a person, who is a resident of this state and is
 enrolled or will be enrolled at an eligible institution within
 or without the state or who is a nonresident of this state
 and is enrolled or will be enrolled at an eligible institution
 within the state and who meets the eligibility requirements
 established by the commission. The commission shall establish

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the qualifications for being a resident of this state, however, the qualifications shall not be more stringent than those established by the state board of regents.

Sec. 13. Section 261.36, subsection 4, Code 1981, is amended to read as follows:

4. Guarantee loans made by eligible lenders to eligible students borrowers who are, or whose children are, enrolled or will be enrolled at eligible institutions as at least half-time students as defined by the commission.

Sec. 14. Section 261.37, subsections 5 and 8, Code 1981, are amended to read as follows:

5. To promulgate rules pursuant to chapter 17A to implement the provisions of this division including establishing standards for educational institutions, lenders and individuals to become eligible institutions, lenders and students borrowers. The rules and standards established shall be consistent with the requirements provided in the Higher Education Act of 1965..

8. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and student borrowers.

Sec. 15. Notwithstanding section 261.25, subsection 2, Code 1981, the standing appropriation is limited to three hundred thirty-three thousand nine hundred (333,900) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982.

Sec. 16. Notwithstanding section 267.8, Code 1981, the standing appropriation in that section is limited to one hundred thousand (100,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and is limited to one hundred fifty thousand (150,000) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Sec. 17. Notwithstanding section 285.1, subsection 3, paragraphs b and c, Code 1981, for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the reimbursement rate for the parent or guardian for

transportation of public and nonpublic pupils shall remain at an amount equal to eighty dollars plus twenty-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined by the department of public instruction.

Sec. 18. Notwithstanding section 285.2, unnumbered paragraph 2, Code 1981, the standing appropriation in that section is limited to four million four hundred thirty-seven thousand (4,437,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and to four million six hundred fifty thousand nine hundred (4,650,900) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

If the funds appropriated in this section are not sufficient to pay the claims submitted by the school districts, the amount paid to each school district by the department shall be prorated on the basis of funds so appropriated. The difference between the amount of the claim of a school district and the amount of payment received from the department of public instruction shall be paid by the parent or guardian of the nonpublic school pupil transported.

Sec. 19. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 20. Moneys appropriated by this Act shall not be used for capital improvements.

Sec. 21. The legislative council is requested to appoint a joint subcommittee composed of members of both political parties of the house and senate appropriations subcommittees on education and the house and senate committees on education to conduct a comprehensive study of the funding of the merged area school system in this state. The study may include, but shall not be limited to, the present formula used to allocate state funds, funding of various costs centers, funding for increased enrollments, funds expended for advertising purposes, coordination of vocational programs of area schools

with vocational programs offered by other public and private educational agencies and institutions in this state, and funding related to tuition increases and property tax revenues. The joint subcommittee shall make a report of its recommendations, accompanied by legislative bill drafts to implement its recommendations, to the legislative council and to the general assembly meeting in 1982.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 552, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 553

AN ACT

RELATING TO AND APPROPRIATING FROM THE GENERAL FUND OF THE STATE AND VARIOUS TRUST FUNDS FOR VARIOUS OPERATIONS AND GRANTS AND AIDS TO DEPARTMENTS AND AGENCIES OF THE STATE WHOSE RESPONSIBILITY RELATE TO AGRICULTURAL AFFAIRS, ECONOMIC DEVELOPMENT, AND ENERGY AND NATURAL RESOURCES MANAGEMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. DEPARTMENT OF AGRICULTURE. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL ADMINISTRATION		
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes.	\$ 1,071,467	\$ 1,124,846
b. From the fertilizer fund to be transferred to the administration division.....	\$ 31,393	\$ 32,104
c. From the dairy trade practice fund to be transferred to the administration division.....	\$ 59,748	6 61,238
d. From the commercial feed fund to be transferred		

to the administration division..... \$ 31,393 \$ 32,104

e. It is the intent of the general assembly that the department of agriculture solicit funds from private sources for the support of agricultural promotion activities.

f. It is a condition of the funds appropriated by this section and section 7 of this Act that the secretary of agriculture and the director of the Iowa development commission execute an agreement under chapter 28E by July 1, 1981 specifying the responsibilities of each department for agriculture marketing, promotion and development. A copy of this agreement shall be provided to the legislative fiscal director upon its completion.

g. The department of agriculture shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state. The department shall report to the general assembly by January 1, 1982 on the fees established and their effect on the circulation of department publications.

2. REGULATORY DIVISION

From the general fund for salaries, support, maintenance, and miscellaneous purposes..... \$ 3,065,820 \$ 3,213,327

It is a condition of the funds appropriated by this subsection that the department of agriculture is required to inspect a food service establishment only once a year, notwithstanding the provisions of section 170A.3 requiring an inspection twice a year.

3. LABORATORY DIVISION

a. From the general fund for salaries, support, maintenance, and miscellaneous purposes.... \$ 505,040 \$ 529,392

b. From the commercial feed fund to be transferred to the laboratory division.....	\$ 609,734	\$ 621,418
c. From the pesticide fund to be transferred to the laboratory division.....	\$ 372,443	\$ 381,754
d. From the fertilizer fund to be transferred to the laboratory division.....	\$ 549,515	\$ 562,240

Sec. 2. BRUCELLOSIS INDEMNITY. There is appropriated from the general fund of the state to the department of agriculture for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of twenty-three thousand eight hundred fifty (23,850) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to make grants to counties to pay the indemnity and the expenses of the inspection and testing of animals as provided in chapters 163A and 164. The secretary of agriculture shall not approve a grant under this section to a county unless the board of supervisors has levied the maximum levy for the county brucellosis eradication fund under section 164.23 for each of the fiscal years in the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 and all funds in the county brucellosis eradication fund including all unobligated funds transferred from the county tuberculosis eradication fund, have been expended. However, no individual claimant, in a single county, shall receive more than five thousand (5,000) dollars in a single fiscal year.

Sec. 3. STATE CONSERVATION COMMISSION. There is appropriated from the general fund of the state and the funds indicated to the state conservation commission and its divisions for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following amounts, or so much thereof as may be necessary, to be used for the

following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. DIVISION OF LANDS AND WAIVERS

For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance, equipment, and miscellaneous purposes and for maintenance of state parks, waters, and forests, and including not more than one million three hundred twenty-seven thousand seven hundred forty-seven (1,327,747) dollars during the fiscal year beginning July 1, 1981 and one million three hundred seventy-nine thousand seven hundred sixty-one (1,379,751) dollars during the fiscal year beginning July 1, 1982 which shall be available for the administration fund from the state conservation fund in compliance with the provisions of section 107.17.

	\$ 5,339,156	\$ 5,593,465
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2. DIVISION OF FISH AND GAME

From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous

purposes including not more than one million four hundred forty-seven thousand forty (1,447,040) dollars during the fiscal year beginning on July 1, 1981 and one million four hundred ninety-two thousand four hundred thirty-two (1,492,432) dollars during the fiscal year beginning on July 1, 1982 which shall be available each fiscal year from the state fish and game protection fund for the administration fund in compliance with the provisions of section 107.17..... \$ 9,182,354 \$ 9,410,395

3. STATE ADVISORY BOARD FOR PRESERVES

From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes for carrying out the duties of the board.. \$ 40,139 \$ 42,074

4. MISSOURI AND MISSISSIPPI RIVER BASIN COMMISSIONS

From the general fund of the state for the state's contribution for support of the Missouri and Mississippi River Basin Commissions..... \$ 45,792 8 40,000

Per diem and expenses of commission members appointed to represent Iowa shall be paid from funds available in

the administration fund.

5. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the employment of persons under the green thumb program established

pursuant to chapter 601H..... \$ 141,984 \$ 148,830

Sec. 4. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the state conservation commission, division of lands and waters, the amounts computed as provided in section 324.84, which amounts shall be deposited in the state conservation fund for use in the state conservation commission recreational boating program as provided in subsections 1 through 5 of section 324.79. The unencumbered or unobligated balances of funds specifically allocated for capital projects for fiscal years 1981-1982 and 1982-1983 shall not revert to the fund from which appropriated until June 30, 1985 and June 30, 1986, respectively.

Sec. 5. ADMINISTRATION FUND:

1. The transfer of funds from the state conservation fund and the state fish and game protection fund to the administration funds shall not exceed the amounts specified in subsections 1 and 2 of section 3 of this Act.

2. a. Funds remaining in the fish and game protection fund during fiscal years 1981-1982 and 1982-1983 which are not specifically appropriated by section 3 of this Act are appropriated and may be used for capital projects and contingencies arising during the fiscal years beginning July 1, 1981 and July 1, 1982.

b. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into

law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency.

Before any of the funds authorized to be expended by this subsection shall be allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state.

If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

3. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

4. The state conservation commission shall establish a priority list of watersheds above publicly-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection 3 of section 12 of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

5. It is the intent of the general assembly that members of the state conservation commission shall be limited to the normal mileage reimbursement for travel to commission meetings. No state aircraft shall be used to transport commissioners to meetings unless the individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

Sec. 6. OPEN SPACES SCHOOL TAX PAYMENT. There is appropriated from the general fund of the state to the state conservation commission the amount of thirty-three thousand

three hundred ninety (33,390) dollars to pay school taxes for the fiscal year beginning July 1, 1981 and thirty-five thousand (35,000) dollars for the fiscal year beginning July 1, 1982 on the lands acquired under the open spaces acquisition program, commenced in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter 74, which would otherwise be subject to the levy of school taxes. The assessed value of the open spaces land shall be that determined pursuant to section 427.1, subsection 31, and the commission may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 442, the assessed value of the open spaces land shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the taxes due to the commission. If the total amount of taxes due certified to the commission exceeds the amount appropriated, the taxes due shall be reduced proportionately so that the total amount equals the amount appropriated.

Sec. 7. IOWA DEVELOPMENT COMMISSION. There is appropriated from the general fund of the state to the Iowa development commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous expenses.....	\$ 2,222,351	\$ 2,285,725
2. From funds appropriated by subsection 1 the Iowa development commission shall allocate not to exceed thirty-one thousand five hundred (31,500) dollars for each fiscal year of the biennium beginning July 1, 1981 and ending June		

30, 1983 for the seven regional tourism districts, not to exceed five thousand (5,000) dollars per district, for each district which provides on a dollar-to-dollar matching basis funds equal to the amount allocated by the Iowa development commission.

3. It is the intent of the general assembly that the Iowa development commission shall operate the international office within the funds approved for the commission.

4. It is the intent of the general assembly that the members of the Iowa development commission shall be limited to the normal mileage reimbursement for travel to commission meetings. State aircraft shall not be used to transport commission members to meetings unless the individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

5. It is the intent of the general assembly that the Iowa development commission solicit funds from private sources for the support of agricultural promotion activities.

Sec. 8. ENERGY POLICY COUNCIL. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, to the energy policy council the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982 <u>Fiscal Year</u>	1982-1983 <u>Fiscal Year</u>
ENERGY POLICY COUNCIL		
1. OPERATIONS		
For salaries, support, maintenance, and for miscellaneous purposes... ..	\$ 240,688	\$ 257,115
2. PUBLIC BUILDINGS ENERGY CONSERVATION ADMINISTRATION		
For salaries, support, maintenance, and for miscellaneous		

purposes.. \$ 96,297 \$ 100,270

3. STATE FUEL SET-ASIDE

For the purpose of operating a state fuel set-aside program with not more than thirty-five thousand (35,000) dollars being used each year to maintain records, collect information, and keep the program in a state of readiness in the absence of the active operation of a state

level set-aside program.... \$ 100,000 \$ 100,000

Sec. 9. DEPARTMENT OF ENVIRONMENTAL QUALITY. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983, to the department of environmental quality, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982 <u>Fiscal Year</u>	1982-1983 <u>Fiscal Year</u>
1. For salaries, support, maintenance, and for miscellaneous purposes.....	\$ 1,961,402	\$ 2,070,190

During the fiscal year for which funds are appropriated by this section the department of environmental quality shall not require the installation or use of equipment to control the emission of dust or other particulate matter on facilities for the storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

2. For payments to the governing bodies responsible for publicly-owned sewage treatment facilities which are eligible for grants un-

der section 202 of the federal Water Pollution control Act, 33 U.S.C. 466 et seq., as amended by the federal Clean Water Act of 1977, Pub. L. 95-217, in an amount equal to five percent of the amount approved as the eligible cost of the project by the environmental quality commission.....

\$ 2,000,000 \$ 2,000,000

The provisions of section 8.33 shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1985 from funds appropriated for the fiscal year beginning July 1, 1981, shall revert to the general fund on September 30, 1985. Unencumbered or unobligated funds remaining on June 30, 1986 from funds appropriated for the fiscal year beginning July 1, 1982 shall revert to the general fund on September 30, 1986.

Sec. 10. STATE FAIR BOARD. There is appropriated from the general fund of the state to the Iowa state fair board for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following sums, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For maintenance of state fair buildings and grounds.....	\$ 76,500	\$ 76,500
2. For premiums.....	\$ 9,000	\$ 9,000
3. For state aid to agricultural societies (local fairs) ..	\$ 189,000	\$ 189,000
4. The appropriation contained in subsection 3 for state aid to agricultural societies is conditional upon full compliance with all other statutes which regulate and prescribe		

the conditions under which the aid is available. The moneys shall not be used for other than the payment of cash premiums, and a county shall not receive more than two thousand one hundred (2,100) dollars except that in a county where there are two definitely separate county extension offices, each society shall receive state aid in the amount it would be entitled to if it were the only society in the county. In counties having more than one fair entitled to state aid, the state aid available shall be prorated to the fairs based on cash premiums paid by the fairs. If the amount appropriated does not fund all claims, the state aid shall be reduced proportionately to equal the amount appropriated.

Sec. 11. GEOLOGICAL SURVEY--NATURAL RESOURCES COUNCIL. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following departments the amounts specified, or so much thereof as is necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GEOLOGICAL SURVEY		
For salaries, support, maintenance, and for miscellaneous purposes for the general office....	\$ 1,164,615	\$ 1,210,388
The Iowa geological survey shall analyze the services provided to other state agencies by the survey and the costs of these services and report to the general assembly by January 1, 1982 on the feasibility of and options for establishing a mechanism to recover these costs from the user agency.		
2. IOWA NATURAL RESOURCES COUNCIL--GENERAL OFFICE		
For salaries, support, maintenance, and for miscellaneous purposes.....	\$ 650,015	\$ 683,928

Notwithstanding the provisions of section 455A.17, the Iowa natural resources council may perform its statutory duties relating to uses and developments of water sources of the state without meeting the provisions of a comprehensive statewide plan for the control, utilization, and protection of the water resources of the state until such time as the plan is prepared and completed.

Sec. 12. DEPARTMENT OF SOIL CONSERVATION. There is appropriated from the general fund of the state to the department of soil conservation for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries, support, maintenance, assistance to soil conservation districts, and for miscellaneous purposes.....	6 2,710,958	\$ 2,841,675
2. For soil conservation grants which shall be allocated by the state soil conservation committee as follows:		
a. To conduct soil surveys in conjunction with federal, state, and local agencies in Iowa.....	\$ 330,000	\$ 345,000
b. To finance the state share of the small watershed program known as the Pub. L. 566 program.....	\$ 23,850	\$ 25,000
c. To provide financial incentives for soil conservation practices in accordance with the provisions of subsection 3 of this section.....	6 5,374,348	\$ 5,634,000

3. The following requirements apply to the funds appropriated by subsection 2, paragraph c:

a. Not more than five percent may be allocated for cost sharing to abate complaints filed under sections 467A.47 and 467A.48.

b. Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly-owned lakes in accordance with the priority list required in subsection 4 of section 5 of this Act.

c. The committee may allocate funds to conduct research and demonstration projects to promote conservation tillage practices.

d. Not more than ten percent of a district's allocation may be allocated by the soil conservation district commissioners for incentive payments on the per acre basis, but not exceeding ten dollars per acre, to encourage no-till planting methods on Iowa land that is row cropped.

e. Except for the allocation subject to paragraphs a and b, the financial incentives for voluntary permanent soil conservation practices shall not exceed fifty percent of the approved cost and priority shall be given to family-operated farms.

4. The provisions of section 8.33 shall not apply to the funds appropriated by subsection 2. Unencumbered or unobligated funds remaining on June 30, 1985 from funds appropriated for the fiscal year beginning July 1, 1981 shall revert to the general fund on September 30, 1985. Unencumbered or unobligated funds remaining on June 30, 1986 from funds appropriated for the fiscal year beginning July 1, 1982 shall revert to the general fund on September 30, 1986.

Sec. 13. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants

or receipts. Positions within state agencies funded with federal funds are approved for the duration of **those** funds only.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 553, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

Sec. 2. Section 450.6, Code 1981, is amended to read as follows:

450.6 ACCRUAL OF TAX--MATURITY--EXTENSION OF TIME. The tax hereby imposed shall be is for the use of the state, shall accrue at the death of the decedent owner, and shall be paid to the department of revenue within twelve nine months after the death of the decedent owner except when otherwise provided in this chapter. when in the opinion of the director of revenue additional time should be granted for payment to avoid hardship, the director may extend the period to a date not exceeding ten years from the date of death of the decedent. In the case of any ~~such~~ extension the tax shall bear six percent interest from the expiration of twelve nine months from the date of the decedent's death.

Upon the approval of the executive council, the tax liability of any beneficiary, heir, surviving joint tenant or other transferee may be paid, in lieu of money, in whole or in part by the transfer of property to the state or a political subdivision of the state to be used for public purposes. Before the tax liability may be paid by transfer of property to a political subdivision, the governing body of the political subdivision shall also approve the transfer. If the property transferred in payment of tax is included in the decedent's gross estate for inheritance tax purposes, its value for the payment of the tax shall be the same as its value for inheritance tax purposes. Property transferred in payment of the tax which is not included in the decedent's gross estate for inheritance tax purposes shall be valued by agreement of the executive council and the taxpayer. The acceptance or rejection of the property in payment of the tax liability and the agreed value of the property shall be certified by the executive council to the director of revenue. The acceptance of the property transferred shall act as payment and satisfaction of the inheritance tax liability to the extent of the value of the transferred property but

SENATE FILE 555

AN ACT

RELATING TO THE INHERITANCE TAX BY REDUCING THE TIME PERIOD FOR FILING AND PAYING THE TAX, BY INCREASING THE INDIVIDUAL EXEMPTIONS ALLOWED FOR A SURVIVING SPOUSE, SON, DAUGHTER, FATHER, MOTHER, AND OTHER LINEAL DESCENDANTS, BY INCREASING THE SIZE OF ~~THE~~ ESTATE UNDER WHICH NO TAX IS OWED, PROVIDING FOR PAYMENT BY THE TRANSFER OF PROPERTY, PROVIDING FOR THE PHASE OUT OF THE TAX ON SURVIVING SPOUSES, VALUING CERTAIN REAL ESTATE THE SAME AS MAY BE VALUED FOR FEDERAL ESTATE TAX PURPOSES AS A QUALIFIED USE UNDER 26 U.S.C. SECTION 2032A AND IMPOSING AN ADDITIONAL TAX IF SUCH REAL ESTATE IS DISPOSED OF OR CEASES TO BE USED FOR CERTAIN PURPOSES, AND PROVIDING A JANUARY 1 EFFECTIVE DATE FOR SOME PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 450.4, subsection 1, Code 1981, is amended to read as follows:

1. When the entire estate of the decedent does not exceed the sum of ~~one~~ ten thousand dollars after deducting the debts, as defined in this chapter.

notwithstanding any other provision, the taxpayer shall not be entitled to a refund if the transferred property has a value in excess of the tax liability.

Sec. 3. Section 450.9, Code 1981, is amended to read as follows:

450.9 INDIVIDUAL EXEMPTIONS. In computing the tax on the net estate passing to the surviving spouse, heirs or beneficiaries of the deceased the following ~~credits or~~ exemptions shall be allowed:

1. Surviving spouse, ~~eighty one hundred twenty~~ eighty one hundred twenty thousand dollars.
2. Each son and daughter, including legally adopted sons and daughters, or illegitimate sons and daughters entitled to inherit under the law of this state, ~~thirty fifty~~ thirty five thousand dollars.
3. Father or mother, ~~ten~~ fifteen thousand dollars.
4. Any other lineal descendant of the deceased, ~~ten~~ fifteen thousand dollars.

However, for net estates passing from persons dying on or after January 1, 1983 but before January 1, 1984, the exemption provided in subsection 1 is one hundred fifty thousand dollars and for net estates passing from persons dying on or after January 1, 1984, the exemption provided in subsection 1 is one hundred eighty thousand dollars.

Sec. 4. Section 450.10, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. There shall be deducted from the tax computed under subsection 1 on property, interest in property, or income passing to the surviving spouse a credit equal to the following:

- a. From estates of persons dying on or after January 1, 1986 but before January 1, 1987, one-third of the computed tax.
- b. From estates of persons dying on or after January 1, 1987 but before January 1, 1988, two-thirds of the computed tax.

c. From estates of persons dying on or after January 1, 1988, all of the computed tax.

Sec. 5. Section 450.12, subsection 1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

~~Said~~ These debts shall not be deducted unless the personal representative certifies that ~~the same~~ they have been paid or allowed in accordance with ~~the provisions of~~ sections 633.428, 633.431, 633.432, 633.433, 633.434, 633.435, and 633.448, within ~~twelve~~ nine months from the date of death of the decedent, unless otherwise ordered by the court or any claim or the amount thereof is under litigation.

Sec. 6. Section 450.37, Code 1981, is amended to read as follows:

450.37 MARKET VALUE. The appraised value of the property shall in all cases be its market value in the ordinary course of trade, unless an election has been made to value it as provided in sections 12 through 18 of this Act, and in domestic estates the tax shall be calculated ~~thereon on the appraised value~~ after deducting the debts as defined herein in this chapter.

Sec. 7. Section 450.44, Code 1981, is amended to read as follows:

450.44 REMAINDERS--APPRAISEMENT. When any person, whose estate over and above the amount of ~~his~~ that person's debts, as defined in this chapter, exceeds the ~~sum of one ten~~ sum of one ten thousand dollars, shall bequeath ~~or~~ or devise or otherwise transfer any real property to or for the use of persons exempt from the tax imposed by this chapter, during life or for a term of years, and the remainder to ~~a person or~~ persons not thus exempt, ~~said this~~ said this property, upon the determination of ~~such~~ the estate for life or years, shall be appraised at its then actual market value from which shall be deducted the value of any improvements ~~thereon on it, or betterments thereto,~~ thereon on it, or betterments thereto, ~~if any,~~ made by the remainderman person who owns the remainder interest during the time of the prior estate, to be ascertained

and determined by the appraisers and the tax on the remainder shall be paid by ~~such remaindermen~~ the Person who owns the remainder interest as provided in section 450.46.

Sec. 8. Section 450.45, Code 1981, is amended to read as follows:

450.45 LIFE AND TERM ESTATES--APPRAISE. Subject to ~~the provisions of~~ section 450.39 when an estate or interest for life or term of years in real property is given to a party other than those especially exempt by this chapter, the clerk shall cause the property to be appraised at the actual market value ~~thereof~~, as is provided in ordinary cases, and the party entitled to the estate or interest shall, within twelve nine months from the death of decedent owner, pay the tax, and in default ~~thereof~~ the court shall order the estate or interest, or so much ~~thereof~~ as necessary to pay the tax and interest, to be sold.

Sec. 9. Section 450.46, Code 1981, is amended to read as follows:

450.46 DEFERRED ESTATE--APPRAISEMENT. Upon the determination of any prior estate or interest, when the remainder or deferred estate or interest or any part ~~thereof~~ of it is subject to ~~such~~ tax and the tax upon ~~such the~~ remainder or deferred interest has not been paid, the ~~person~~ or persons entitled to ~~such the~~ remainder or deferred interest shall immediately report to the clerk of the proper court the fact of the determination of the prior estate, and upon receipt of ~~such the~~ report, or upon information from any source, of the determination of any ~~such~~ prior estate when the remainder interest has not been appraised for the purpose of assessing ~~such~~ tax, the clerk shall forthwith issue a commission to the inheritance tax appraisers, who shall immediately proceed to appraise the property as provided in like cases in section 450.44 and the tax upon ~~such the~~ remainder interest shall be paid by the ~~remainderman~~ person who owns the remainder interest within ~~one-year-next~~ nine

months after the determination of the prior estate. If ~~such the~~ tax is not paid within said this time the court shall then order said the property, or so much thereof as may be necessary to pay ~~such the~~ tax and interest, to be sold.

Sec. 10. Section 450.47, code 1981, is amended to read as follows:

450.47 LIFE AND TERM ESTATES IN PERSONAL PROPERTY. Subject to ~~the provisions of~~ section 450.39, when an estate or interest for life or term of years in personal property is given to one or more persons other ~~than~~ those especially exempt by this chapter and the remainder or deferred estate to others, the clerk shall cause the property devised or conveyed to be appraised as provided ~~herein~~ in ordinary estates and the value of the several estates or interests devised or conveyed shall be determined as provided in section 450.51, and the tax upon ~~such the~~ estates or interests ~~am-ere~~ liable for the tax ~~imposed-by-this-chapter~~ shall be paid to the department of revenue from the property appraised or by the persons entitled to the estate or interest within twelve nine months from the death of the testator, grantor, or donor; provided, ~~however,~~ that payment of the tax upon any deferred estate or remainder interest may be deferred until the determination of the prior estate by the giving of a good and sufficient bond as provided in section 450.48.

Sec. 11. Section 450.63, subsection 1, Code 1981, is amended to read as follows:

1. All taxes imposed by this chapter ~~shall-be~~ are payable to the department of revenue and, except when otherwise provided in this chapter, shall be paid within twelve nine months from the death of the testator or intestate. All taxes not paid within the time prescribed in this chapter ~~shall~~ be are subject to a penalty as provided in subsection 2 and shall draw interest at the rate of eight percent per annum ~~thereafter~~ until paid.

Sec. 12. NEW SECTION. As used in sections 12 through 18 of this Act, ~~unless the context~~ otherwise requires:

1. "Internal Revenue Code of 1954" means the same as defined in section 422.4.
2. "**Taxpayer**" means a qualified heir liable for the inheritance tax imposed under chapter 450 on qualified real property.
3. "Qualified real property", "qualified use", "**cessation** of qualified use", and "qualified heir" mean the same as defined in eection 2032A of the Internal Revenue Code of 1954.

Sec. 13. NEW SECTION. Notwithstanding section 450.37, the value of qualified real property for the purpose of the tax imposed under chapter 450 may, at the election of the taxpayer, be its value for the use under which it qualifies as prescribed by section 2032A of the Internal Revenue Code of 1954. A taxpayer may make an election under this section only if all of the following conditions are met:

1. An election for federal estate tax purposes was made with regard to the qualified real property under section 2032A of the Internal Revenue Code of 1954.
2. All persons who signed the agreement referred to in section 2032A(d)(2) of the Internal Revenue Code of 1954 make the election under this section and sign an agreement with the department of revenue consenting to the application of section 14 of this Act with respect to the qualified real property.
3. The total decrease in the value of the qualified real property as a result of the election under this section does not exceed the dollar limitation specified in section 2032A(a)(2) of the Internal Revenue Code of 1954.

The election under this section shall be made by the taxpayer in the manner as the director of revenue may prescribe by rule. The value for the qualified use under this section shall be the value as determined and accepted for federal estate tax purposes.

The definitions and special rules specified in section 2032A(e) of the Internal Revenue Code of 1954 shall apply with respect to qualified real property for which an election was made under this section except that rules shall be prescribed by the director of revenue in lieu of the regulations promulgated by the secretary of treasury.

The director shall prescribe regulations setting forth the application of sections 12 through 18 of this Act in the case of an interest in a partnership, corporation, or trust which, with respect to the decedent, is an interest in a closely held business within the meaning of section 6166(b)(1) of the Internal Revenue Code of 1954. Such regulations shall conform as nearly as possible with the regulations promulgated by the United States secretary of treasury in respect to such interests.

Sec. 14. NEW SECTION. There is imposed upon the qualified heir an additional inheritance tax if, within fifteen years after the decedent's death and before the death of the qualified heir, the qualified heir disposes of, other than to a member of the family, any interest in qualified real property for which an election under section 13 of this Act was made or ceases to use for the qualified use the qualified real property for which an election under section 13 of this Act was made as prescribed in section 2032A(c) of the Internal Revenue Code of 1954. The additional inheritance tax shall be the amount computed under sections 15 and 16 of this Act and shall be due six months after the date of the disposition or cessation of qualified use referred to in this section. The amount of the additional inheritance tax shall accrue interest at the rate of ten percent per year from nine months after the decedent's death to the due date of the tax. The tax shall be paid to the department of revenue and shall be deposited into the general fund of the state. Taxes not paid within the time prescribed in this section shall draw interest at the rate of ten percent per annum until paid.

Sec. 15. NEW SECTION. If the date of the disposition or cessation of qualified use referred to in section 14 of this Act is more than one hundred twenty months but less than one hundred eighty months after the date of the decedent's death, the amount of the additional inheritance tax as computed under section 16 of this Act shall be reduced, but not below zero, one-sixtieth for each full month the date of the disposition or cessation exceeds one hundred twenty months after the decedent's death. There shall not be an additional inheritance tax if the disposition or cessation occurs one hundred eighty months or more after the decedent's death.

Sec. 16. NEW SECTION. The amount of the additional inheritance tax imposed by section 14 of this Act is the excess of what the tax imposed by chapter 450 would have been had the election to use the qualified use valuation under section 13 of this Act not been made over the tax paid on the real estate based on qualified use valuation. However, if all of the real estate valued under section 13 of this Act is not disposed of or does not cease to be used for the qualified use, the amount of the additional inheritance tax is the amount computed by applying the ratio that the real estate subject to the qualified use valuation which has been disposed of or which the qualified use ceases bears to all the real estate subject to the qualified use valuation passing to the taxpayer to the excess of the tax which would have been imposed by chapter 450 had the election under section 13 of this Act not been made over the tax paid on the real estate based on qualified use valuation. However, the additional inheritance tax shall not be computed on a value greater than the fair market value of the qualified real estate at the time the disposition or cessation of the qualified use occurs.

Sec. 17. NEW SECTION. A lien is created in favor of the state for the additional inheritance tax which may be imposed by section 14 of this Act on the qualified real property for

which an election has been made under section 13 of this Act. The lien created by this section shall continue until the tax has been paid or ten years after the tax is due, whichever date occurs first. However, the lien shall expire fifteen years after the decedent's death if the qualified heir has not disposed of or ceased to use for the qualified use the qualified real property which would impose the tax under section 14 of this Act. The department of revenue may release the lien prior to the payment of the tax due, if any, if adequate security for payment of the tax is given.

Unless the lien has been perfected by recording in the office of the recorder in the county where the estate is probated, a transfer of the qualified real property to a bona fide purchaser for value shall divest the property of the lien. If the lien is perfected by recording, the rights of the state under the lien have priority over all subsequent mortgagees, purchasers or judgment creditors. The lien may be foreclosed by the director of revenue in the same manner as is now prescribed for the foreclosure of real estate mortgages and upon judgment, execution shall be issued to sell as much of the property necessary to satisfy the tax, interest and costs due.

Sec. 18. NEW SECTION. All the provisions of chapter 450 of the Code with respect to the payment, collection and administration of the inheritance tax imposed under that chapter are applicable to the provisions of sections 12 through 18 of this Act to the extent consistent. The director of revenue shall adopt and promulgate all rules necessary for the enforcement and administration of sections 12 through 18 of this Act.

Sec. 19. Sections 1, 3, and 7 of this Act are effective January 1 following the enactment of the Act for estates of persons dying on or after the January 1 effective date of these sections.

Sec. 20. Sections 2, 5, 8, 9, 10, and 11 of this Act are effective as provided by law for estates of persons dying on or after the effective date of these sections.

Sec. 21. Sections 12 through 18 of this Act are effective July 1, 1982 for estates of persons dying on or after the effective date of these sections.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 555, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Marion Sentinel, a newspaper published in Marion, Iowa, and in The Grundy Register, a newspaper published in Grundy Center, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 562, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 562

AN ACT

RELATING TO THE PUBLICATION OF THE FEDERAL CENSUS REPORT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 26.3, Code 1981, is amended to read as follows:

26.3 PUBLICATION. ~~He shall at once cause such census report and certificate to be published once in each of two daily newspapers of the state and of general circulation, and from and after the date of such publication said~~ When certified by the secretary of state the census shall be in full force and effect throughout the state. On payment of a fee of two dollars he by a requesting party, the secretary of state shall furnish a certified copy of the whole or any part of such census report.

SENATE FILE 563

AN ACT

PROVIDING FOR THE APPROPRIATION OF FEDERAL FUNDS RECEIVED IN THE FORM OF BLOCK GRANTS OR CATEGORICAL GRANTS BY THE GENERAL ASSEMBLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 8.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Block grant" means funds from the federal government awarded in broad program areas within which the state is given considerable latitude in determining how funds are used and for which the state develops its own plan for spending according to general federal guidelines. "Block grant" does not include education research grants.

NEW SUBSECTION. "Categorical grant" means federal funds applied for and received by the state which are in the form of entitlements, formula grants, discretionary grants, open-ended entitlements or another form that may be used only for specific narrowly defined activities except funds for student aid and assistance; grants, contracts and cooperative

agreements for research and training for which no appropriated matching funds are required; and reimbursements for services rendered.

Sec. 2. Section 8.22, part I, subsection 2, Code 1981, is amended by adding the following new lettered paragraph after lettered paragraph d:

NEW LETTERED PARAGRAPH. A statement of federal funds received in the form of block or categorical grants which were not included in the governor's budget for the previous fiscal biennium and a statement of anticipated block grants and categorical grants. The budget shall indicate how the federal funds will be used and the programs to which they will be allocated. The amount of state funds required to implement the programs to which the federal funds will apply shall also be indicated.

Sec. 3. Chapter 8, Code 1981, is amended by adding the following new section:

NEW SECTION.

1. commencing with the fiscal year beginning July 1, 1981, federal funds received in the form of block grants shall be deposited in a special fund in the state treasury and are subject to appropriation by the general assembly upon a recommendation by the governor. In determining a general fund balance, the federal funds deposited in the special fund shall not be included, but shall remain segregated in the special fund until appropriated by the general assembly.

2. Federal funds deposited in the state treasury as provided in subsection 1 shall either be included as part of the governor's budget required by section 8.22 or shall be included in a separate recommendation made by the governor to the general assembly. If federal funds received in the form of block grants or categorical grants have not been included in the governor's budget for the current fiscal biennium because of time constraints or because a budget is not being submitted for the second year of a biennium, the

governor shall submit a supplemental statement to the general assembly listing the ~~federal~~ funds received and including the same information for the federal funds required by section 2 for the statement of federal funds in the governor's budget.

Sec. 4. Notwithstanding section 3 of this Act, block grants received during the fiscal year ending June 30, 1982 not otherwise appropriated by the general assembly are appropriated for the programs formerly receiving categorical grants that were consolidated into the block grant, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1981 federal fiscal year as modified by the 1981 Session of the Sixty-ninth General Assembly for the fiscal year beginning July 1, 1981 compared to the total federal funds received in the 1981 federal fiscal year by all programs consolidated into the block grant. However, in the event that one agency did not have categorical funds appropriated for the fiscal year ending September 30, 1981 but had anticipated applying for funds during the fiscal year ending September 30, 1982, the governor may reallocate the funds in order to provide funding. If the amount received in the form of a block grant is less than the total amount of federal funds received for the programs in the form of categorical grants for the 1981 federal fiscal year, state funds appropriated to the program by the general assembly to match the federal funds shall be reduced by the same proportion of the reduction in federal funds for the program. State funds released by the reduction shall be deposited in a special fund in the state treasury and are available for appropriation by the general assembly. The governor shall notify the legislative council prior to the allocation of federal funds or any proportional reduction of state funds under this section. The notice shall state the amount of federal funds to be allocated to each program, the amount

of federal funds received by the program during the 1981 federal fiscal year, the amount by which state funds for the program will be reduced according to this section and the amount of state funds received by the program during the 1981 fiscal year. The legislative council shall review the operation of this section and may recommend that the general assembly call a special session to address state programs affected by a reduction in federal funds.

Sec. 5.

1. The procedure prescribed in this section applies to categorical grants received during the fiscal year beginning July 1, 1981 and ending June 30, 1982.

2. At least sixty days prior to submitting an application, re-application or continuation request for a categorical grant to the federal government, a state agency shall submit a pre-application questionnaire to the state comptroller containing such information as the state comptroller may require. The state comptroller shall review the request described in the questionnaire and shall return a written copy of the review to the state agency within forty-five days.

3. The state comptroller shall immediately upon receipt forward a copy of the pre-application questionnaire to the legislative council and the chairpersons of the house and senate appropriations committees and their appropriate subcommittees for review. Within forty-five days of receipt of the questionnaire the appropriations committees or the legislative council when the general assembly is not in session shall submit its comments to the state comptroller. The comments shall state the committees' or the council's position regarding the advisability of receiving the categorical grant.

4. The state comptroller shall submit a copy of the state comptroller's review of the request and the comments received from the appropriations committees or the legislative council to the office for planning and programming for review as required by chapter 7A. The state comptroller's review and

the committees' or council's comments shall accompany the application to the federal government.

5. If the amount of a categorical grant received by the state is less than the amount budgeted by the general assembly the amount of state funds appropriated to the program to match the categorical grant shall be reduced in the same proportion that the amount of the categorical grant bears to the amount budgeted. The state funds released by the reduction shall be deposited in a special fund in the state treasury and are subject to appropriation by the general assembly.

6. The state comptroller shall adopt rules for waiving the time limitations established by this section when a state agency must apply for a categorical grant within thirty days of notification of the availability of the categorical grant. The provisions of chapter 17A with respect to rules promulgation procedures may be waived by the comptroller to the extent necessary to make the rules effective upon filing. Under such circumstances the agency shall comply with subsection 2 immediately upon notification of the availability of the categorical grant. The state comptroller shall comply with subsection 3 and shall notify the legislative council and the chairpersons of the appropriations committees that the forty-five day period for comments has been waived and shall state the new date by which comments must be received to be submitted with the application to the federal government. This subsection does not exempt categorical grants received under conditions governed by this Subsection from subsection 5.

Sec. 6. The comptroller shall prepare and submit to the legislative fiscal committee by September 1, 1981 a list of federal funds anticipated to be received and expended by state agencies during the fiscal biennium beginning July 1, 1981 and ending June 30, 1983. The list shall include for each amount anticipated the agency designated to administer the funds, the program for which the funds will be used and the

amount of any state funds that will be used to match or supplement the federal funds.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 563, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 566

AN ACT

RELATING TO THE ADMINISTRATION AND FINANCING OF **CURRENT** PROGRAMS OTHER THAN CORRECTIONAL AND MENTAL HEALTH PROGRAMS UNDER THE JURISDICTION OF THE DEPARTMENT OF SOCIAL SERVICES FOR THE FISCAL PERIOD BEGINNING JULY 1, 1981, AND ENDING **JUNE 30**, 1983.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 7,000,000	\$ 7,000,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for the division of field operations, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary, provided that the department of social services provides a county and district reorganization plan to the joint social services appropriations subcommittee by February 1, 1982. The plan is required in order to reduce expenses while maintaining the current level of delivery of local services. While reducing expenses the department shall give priority to the retention of caseworkers at the local level. The department shall establish an office in each county. The office shall be headed by a county director appointed by the commissioner of social services and approved by the county

board of supervisors. Current county directors shall retain their positions.

For administrative purposes and to adapt to varying economic and social conditions, the department shall establish urban county offices in counties having a population of forty thousand or more persons as autonomous offices under the direct supervision of the department.

The department shall establish six to nine district offices to supervise rural county offices in those counties having a population of less than forty thousand persons. The district offices shall be under the direct supervision of the department. The district offices shall be located strategically in order that each district office supervises a nearly equal number of rural county offices. The district offices shall be limited to the following staff: one district administrator; one income maintenance specialist; one service specialist; one purchase of service project manager; and two clerical workers.

The department shall employ central office staff to carry out the functions of field staff specialists, auditors, child abuse and child support recovery workers, and adoption workers. The department shall co-locate individuals in these positions in various urban county offices, district offices, or rural county offices to most efficiently carry out the functions of the individual positions.

The reorganization required by this subsection becomes effective on July 1, 1982, unless the joint social services appropriations subcommittee recommends an alternative plan to the general assembly during the 1982 session of the general assembly. If the department determines that an alternative reorganization plan would best serve its clients, the department shall report the alternative plan to the joint social services appropriations subcommittee by February 1, 1982:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 15,779,000	\$ 15,779,000

1. Beginning July 1, 1981, the department of social services, shall by rule phase out direct homemaker services and shall move to provide those services entirely through purchase of service contracts.

2. The department of social services, the state department of health, and the commission on the aging shall study jointly and make recommendations to the general assembly by January 15, 1982 for an integrated state homemaker-home health aid program. In preparing the study the three state agencies shall include representatives of interested outside groups, including the Iowa council for homemaker-home health aid services, in the discussion and planning stages. The three state agencies, during the study and the preparation of the report, shall coordinate their respective homemaker programs, with the goal of developing a homemaker system as uniform and integrated as is practicable, using as guidelines a minimum of administrative overhead, a minimum of state control consistent with proper monitoring of local programs, and a maximum of client services provided.

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

SPECIAL PROGRAMS

1. For aid to families with dependent children..... \$ 55,327,000 \$ 55,327,000

a. The department of social services shall provide that the effective date of assistance provided under chapter 239 shall be no earlier than seven days after the date of application for assistance, unless that effective date of

assistance is precluded by a change in the federal regulations relating to the aid to families with dependent children program.

b. The department of social services shall by rule provide that special payments to foster children returning home on a temporary basis under the aid to families with dependent children program shall not be made and that services under the special needs program of the aid to families with dependent children program, except for the individual education and training program, the school expenses program, and the conservatorship program, shall not be provided. The department of social services shall by rule implement cost-saving measures in the individual education and training plan program of the special needs program of the aid to families with dependent children program. The department of social services shall by rule limit expenditures, under the school expenses portion of the special needs program of the aid to families with dependent children program, to specific charges made by a school or in accordance with school requirements in connection with a course in the regular school curriculum which is not considered an extracurricular activity. In addition, the department shall only make expenditures for such school expenses upon a co-payment of twenty percent made privately on behalf of the student who incurs the school expenses.

c. Notwithstanding chapter 239, the department of social services shall not provide unemployed parent benefits under the aid to families with dependent children program.

d. The department of social services shall not provide unborn child grants under the aid to families with dependent children program.

e. The department of social services shall adopt administrative rules to return to the stepparent liability policy, under the aid to families with dependent children program, which was in effect on and prior to October 31, 1978. If federal law or regulations regarding stepparent liability,

under the aid to families with dependent children program,, require a change in departmental rules, the department shall implement the required changes immediately by administrative rule.

2. For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or

private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled..... \$101,235,000 \$100,206,000

Medical assistance shall be made available, beginning July 1, 1981. and ending March 31, 1982, to children under twenty-one years of age who meet ail eligible criteria of the aid to families with dependent children program except that the children are not deprived of parental support.

Medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility, or intermediate care facility, who meets the criteria of medical necessity under the standards established by the medicare program in title XVIII of the federal Social Security Act or as determined by a professional services review organization, and who is eligible for federal supplemental security income in all respects except income, and whose income does not exceed three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplemental security income program as defined in section 249.1, subsection 1.

Payments under the medical assistance program shall continue to be made under the limitations established in the Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 76, relating to laxative drugs, dental work and dentures, eyeglasses and eyeglass frames, hearing aids, and co-payments for optional services, prescription drugs, and insulin.

Beginning July 1, 1981, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the June 30,

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1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to May 1, 1981. If the department of social services determines that adequate funding is available, the department may, on January 1, 1982, establish the maximum reimbursement rate for intermediate care facilities at the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, 1981.

The department of social services shall pay a reasonable professional fee per prescription to pharmacists under the medical assistance program. The department shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to establish the maximum medical assistance reimbursement rate for professional fees at the seventy-fifth percentile of the usual and customary professional fee charges of pharmacies in this state, effective September 1, 1981.

Pharmacists in this state who reduce the charges of prescription drugs to persons participating in private, third-party payor prescription drug insurance or benefit plans or to the insurance or benefit plans shall also reduce by the same amount the charges to persons participating in the medical assistance program or to the program. The board of pharmacy examiners shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to insure that pharmacists reduce charges by the same amount to both third-party payors and the medical assistance program. The rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

- 3. For contractual services-medical carrier... \$ 1,318,000 \$ 1,318,000
- 4. For work and training programs..... \$ 62,000 \$ 62,000

- 5. For child support recoveries, including salary and support, maintenance, and miscellaneous purposes..... \$ 607,000 \$ 607,000

- 6. For state supplementary assistance, including state supplementary assistance for the blind..... \$ 6,731,000 \$ 6,731,000

The department of social services shall increase the personal needs allowance for eligible persons residing in residential care facilities at the same percentage and at the same time that cost of living increases are implemented for federal social security and supplemental security income benefits.

The department of social services shall increase the maximum cost-related reimbursement rate for residential care facility services to fifteen dollars per day and the flat rate to ten dollars per day.

- 7. For aid to Indians residing on a settlement..... \$ 34,000 \$ 34,000

The tribal council of the settlement located in Tama county shall administer the funds appropriated under this subsection but shall not use more than ten percent of the funds for administrative expenses. The tribal council shall submit a report annually to the department of social services delineating program expenditures-

- 8. For home-based services as allocated in paragraph a of this subsection.. \$ 7,351,000 \$ 7,351,000

a. Of the funds appropriated for home-based services by this subsection, four million seven hundred sixty-six thousand (4,766,000) dollars is appropriated for chore and homemaker services for each fiscal year of the biennium. The department of social services shall not provide homemaker services during the biennium to clients who are above the income and resource

guidelines established by the department for adult protective services.

b. The department shall by rule define the homemaker and chore services to be delivered, the eligibility for services, and the providers delivering the services. The department shall explore with homemaker agencies the possibility of expanding purchase of service contracts to include the provision of chore services. The decision to purchase chore services should be based on the ability of an agency to provide the continuum of services at rates commensurate with the levels of service to be provided.

c. The department shall by rule develop a fee schedule, effective July 1, 1981, for chore services made available to clients who meet adult protective services criteria and who are above the income and resource guidelines for chore services.

9. For foster care..... \$ 17,558,000 \$ 17,558,000

a. Beginning July 1, 1981, the maximum foster residential care reimbursements shall be increased from fifty-eight to sixty dollars per day and the maximum foster group home reimbursements shall be increased from forty-six to forty-eight dollars per day.

b. The department of social services, based on the recommendation of each district administrator of the department, shall use a portion of the funds appropriated by this subsection for the provision of in-home services designed to prevent placement of children outside their own homes or to reunite children who have been placed in foster care with their families.

10. For community-based services..... \$ 1,508,000 \$ 1,508,000

a. Of the funds appropriated for the community-based services by this subsection, one hundred five thousand (105,000) dollars, or so much thereof as is necessary, is appropriated for each fiscal year of the biennium to provide

start-up funds to establish programs or services to prevent the institutionalization of children.

b. Of the funds appropriated for community-based services by this subsection, two hundred fifty thousand (250,000) dollars is appropriated for each fiscal year of the biennium to assist child care centers. The emphasis of the assistance shall be to provide aid in staff development and training in order to upgrade child care center programs and services.

c. Funds appropriated by this subsection shall be used to reimburse counties for juvenile court expenses under section 232.141, subsection 4. If the funds used to reimburse counties for juvenile court expenses under section 232.141, subsection 4 appear to be insufficient, the department of social services shall report to the comptroller and the joint social services appropriations subcommittee of the senate and the house of representatives on the need for additional funds.

The commissioner of social services shall pay from funds appropriated by this subsection, as the entitled aid from the state under section 232.142, subsection 4, one-half of one percent of the total cost of the establishment, improvements, operation, and maintenance of approved county or multicounty juvenile homes.

d. Funds appropriated by this subsection for programs for displaced homemakers and for victims of domestic abuse may be used to provide start-up moneys for programs which will develop community support and establish means of support independent of long-term state funding. where possible, special programs receiving state funds under this subsection for more than one year should be established to receive declining amounts of state funding after the first twelve months of full operation and to be supported locally after thirty-six months of operation. Special programs deviating from these guidelines shall be reported to the joint social services appropriations subcommittee. The department shall consult persons knowledgeable in the respective subjects of

domestic abuse and displaced homemakers with respect to establishment and selection of the programs.

Sec. 4. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1981; and ending March 31, 1982, to the department of social services one million eighty thousand (1,080,000) dollars, or so much thereof as may be necessary, for a program to provide shelter cost assistance to families with children deprived of support due to the unemployment of one or both parents. Assistance to each family is limited to a maximum vendor payment of one hundred fifty dollars per month for a maximum of three months. The department shall by rule establish the shelter cost assistance program in accordance with this section. The eligibility criteria for the program shall be as restrictive as those criteria established by title IV-A of the federal Social Security Act and may be more restrictive.

Sec. 5. The department of social services may implement monthly reporting and prior-month budgeting on a statewide basis for the aid to families with dependent children program and the food stamp program after a pilot project of at least three months in duration has been conducted, unless earlier implementation is required by the federal government.

Sec. 6. The department of social services shall continue to pursue the possibility of obtaining a federal grant to pay the costs of delivering, by certified mail or restricted certified mail, food coupons under the federal-state food stamp program administered by the department pursuant to section 234.12.

Sec. 7. The department of social services shall continue to study the recommendations made by the long-term care reimbursement study committee established by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 12. The department shall report to the general assembly by January 1, 1982 concerning the costs and benefits of each of the committee's recommendations.

Sec. 8. The department of social services shall study and recommend to the general assembly by January 15, 1982 a proposal to implement a county workfare program. The report of the study and recommendations shall include a summary of programs instituted by other states and the specific proposals for allocating funds to the counties, the conditions of allocation, the basic requirements which county workfare programs must meet, program liability for worker benefits, and other program priorities and requirements.

Sec. 9. If a skilled nursing facility or an intermediate care facility receives payments under title XIX of the federal Social Security Act for one or more patients in the facility, the facility shall not involuntarily transfer any patient to another facility if that patient had previously qualified and received medical assistance under chapter 249A and has been disqualified for that medical assistance but pays all of the patient's income and resources not exempt under guidelines in title XIX of the federal Social Security Act and that payment equals or exceeds the medical assistance reimbursement rate for the particular facility.

Sec. 10. Notwithstanding the maximum amounts to which sections 239.9 and 249.9 limit payment by the department of social services toward the cost of funerals for persons receiving public assistance under chapters 239 and 249, the department may pay not more than four hundred dollars toward the cost of a funeral for any such public assistance recipient provided that all of the following apply:

1. The total cost of the decedent's funeral does not exceed one thousand dollars.
2. The decedent does not leave an estate which may be probated with sufficient proceeds to allow a funeral claim of at least one thousand dollars.
3. Any payment which is due the decedent's estate or beneficiary by reason of the liability of any life insurance, death, or funeral benefit company, association, or society,

or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent shall be deducted from the department's liability under this section.

Sections 239.9 and 249.9 shall be of no force or effect during the biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 11. Section 234.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Child" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets any of the following conditions:

- a. Is in full-time attendance at an approved school pursuing a course of study leading to a high school diploma.
- b. Is attending an instructional program leading to a high school equivalency diploma.
- c. Has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 281.2, subsection 1.

A person over eighteen years of age who has received a high school diploma or a high school equivalency diploma is not a child within the definition in this subsection.

Sec. 12. Section 239.1, subsection 3, Code 1981, is amended to read as follows:

3. A "dependent child" means a needy child under the age of eighteen years who has been deprived of parental support and care by reason of death, continued absence from home, physical or mental incapacity ~~or-unfitness-of-either-parent,~~ or partial or total unemployment of the ~~father parent,~~ and who is living with ~~his-or-her-father-or-mother,-or-both,-or with-his-or-her-grandfather,-grandmother,-brother,-sister,-stepfather,-stepmother,-stepbrother,-stepsister,-uncle-or aunt a specified relative or specified relatives, as defined in title IV of the federal Social Security Act and Prescribed~~

by federal regulation, in a place of residence maintained by one or more of ~~such the~~ relatives as him-or-her the relative's or their relatives' home or has been placed in a licensed foster home or with a public or nonprofit child care agency by the ~~state~~ division or by the county department of social welfare in lieu of living with ~~any a~~ relative designated in this subsection.

Sec. 13. Section 239.2, subsection 4, code 1981, is amended to read as follows:

4. Is not, with respect to assistance applied for by reason of partial or total unemployment of ~~the-father~~ a Parent, the child of a father parent who:

a. Has been unemployed for less than thirty days prior to receipt of assistance under this chapter.

b. Is partially or totally unemployed due to a work stoppage which exists because of a labor dispute at the factory, establishment or other premises at which he the parent is or was last employed.

c. At any time during the thirty-day period prior to receipt of assistance under this chapter or at any time thereafter while assistance is payable under *this* chapter, has not been available for employment, has not actively sought employment, or has without good cause refused any bona fide offer of employment or training for employment. The following reasons for refusing employment or training are not good cause: Unsuitable unsuitable or unpleasant work or training, if the father parent is able to perform the work or training without unusual danger to him the parent's health; or the amount of wages or compensation, unless the wages for employment are below the federal minimum wage.

d. Has not registered for work with the state employment service established pursuant to section 96.12, or thereafter has failed to report at an employment office in accordance with regulations prescribed pursuant to section 96.4, subsection 1.

e. Has failed to participate in or to co-operate in any work or training program made available to him the parent under chapter 249C, or has without good cause withdrawn from such program before completion. The department of social services shall have a program under chapter 249C for the partially or totally unemployed father parent under this subsection.

The division may prescribe requirements in addition to or in lieu of the foregoing, for eligibility for assistance under this chapter to children whose fathers parents are partially or totally unemployed, which are necessary to secure financial participation of the federal government in payment of such assistance.

Sec. 14. Section 239.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the completion of an investigation the county-board department shall decide whether the child is eligible for assistance under the provisions of this chapter and determine the amount of such the assistance. The county-board department shall, within thirty days, notify the person with whom the child is living or will be living, of the decision made. The county-board department may require, as a condition of granting assistance, that a legal guardianship be established petition the Iowa district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over any recipient, or any child or children and in such cases eligible for assistance under this chapter. If a conservatorship is established the recipient's assistance payments shall be made to such guardian, when appointed, but a guardian of a child or children only shall not be allowed to receive any assistance payments for any dependent child or children unless such guardian shall bear a relationship to the child or children embraced by subsection 2, section 239.1 the conservator. In addition to the assistance granted as provided under this chapter, an amount not to exceed ten

dollars per case per month may be allowed for guardian's conservatorship or guardianship fees when if authorized by appropriate court order. The dependent child for whom the grant is made shall be originally charged to the county in which such the child resides when application is made.

Sec. 15. Section 249A.3, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Is a recipient of aid to families with dependent children payments under chapter 239 or is an individual who would be eligible for unborn child payments under the aid to families with dependent children program, as authorized by title IV-A of the federal Social Security Act, if the aid to families with dependent children program under chapter 239 provided for unborn child payments during the entire pregnancy.

Sec. 16. Chapter 249A, Code 1981, is amended by adding the following new section:

NEW SECTION. LICENSED PSYCHOLOGISTS ELIGIBLE FOR PAY " " . The department shall adopt rules pursuant to chapter 17A entitling psychologists who are licensed in the state where the services are provided and have a doctorate degree in psychology, have had at least two years of clinical experience in a recognized health setting, or have met the standards of a national register of health service providers in psychology, to payment for services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations and of funds available for the medical assistance program.

Sec. 17. Sections 217.38 and 249A.10, code 1981, are repealed.

Sec. 18. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 19. Funds appropriated by this Act shall not be used for capital improvements.

Sec. 20. All sections of this Act, except sections 11 through 17 are effective only for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983.

Sec. 21. The department of social services shall adopt administrative rules relating to section 3, subsection 1, paragraphs b, d, and e of this Act and may adopt administrative rules relating to section 2, subsection 1, section 3, subsection 1, paragraph c, section 3, subsection 2, unnumbered paragraph 2, section 3, subsection 3, paragraph b, and section 4 of this Act under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

TERRY E. BRANSTAD

President of the Senate

DELWYN STROMER

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 566, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY

Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY

Governor

3.	William Dehlinger Phoenix, Arizona	6078-69-25	License refund	\$ 15.00
4.	Des Moines Metro Area Solid Waste Agency Des Moines, Iowa	6232-69-25	Outdated invoice	\$ 172.72
5.	Wayne J. Barnes, DDS Sioux City, Iowa	6613-69-25	Attorney Fees	\$5,671.23
6.	William R. Masterson Council Bluffs, Iowa	6135-69-25	Replace eye- glasses	\$ 102.00
7.	Chris S. Brown, DO Des Moines, Iowa	6784-69-25	Title XIX re- imbursement	\$ 420.00
8.	Baker Mechanical, Inc. Des Moines, Iowa	6225-69-25	Services rendered	\$3,800.00

SENATE FILE 569

AN ACT

RELATING TO CLAIMS AGAINST THE STATE OF IOWA AND MAKING
APPROPRIATIONS IN SETTLEMENT OF CLAIMS AGAINST THE STATE
OF IOWA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund and the road use tax fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

	Claimant	Claim No.	Nature of Claim	Amount
1.	Kenneth D. Stark Mason City, Iowa	5979-68-25	Back pay	\$ 135.00
2.	T. Scott Banister Des Moines, Iowa	5995-68-25	Back pay	\$ 400.00

Sec. 2. The amount of the claims listed in subsection 3 of section 1 of this Act shall be paid from the road use tax fund. The amount of the claim listed in subsection 7 of section 1 of this Act shall be paid from the funds appropriated to the department of social services. The amount of the claim listed in subsection 5 of section 1 of this Act shall be paid from funds appropriated for the licensing and certification division of the department of health retroactively from funds appropriated pursuant to Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 5, for the fiscal year beginning July 1, 1980. The remainder of the claims listed in section 1 of this Act shall be paid from the general fund of the state; however, the amount of the claim listed in subsection 8 shall not be paid unless the claimant signs a release agreement stating that this payment is made in full settlement of the entire claim.

Sec. 3. The general assembly disapproves of all other claims submitted to and considered by the state appeal board by and during the month of April, 1981.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 569, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 571

AN ACT

RELATING TO DISTRICT COURT OFFICERS, EMPLOYEES, AND FILING FEES, AND MAKING AN APPROPRIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 602.18, subsection 11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Notwithstanding this section; the number of district judges shall not be increased by more than three in order that the number of district judges shall not exceed ninety-two ninety-five during the period commencing with July 1, 1981 and ending at such time as the general assembly shall otherwise specify.

Sec. 2. As soon as possible after the effective date of this Act the supreme court administrator of the judicial department shall rank each judicial election district in descending order based on the application of the judgeship formula provided in section 602.18. The vacant judgeships that exist upon the enactment of this Act shall be apportioned, one to a judicial election district, among the three judicial election districts most deserving of additional district judges under the judgeship formula. Vacancies created by section 1 of this Act shall be filled as soon as possible after the effective date of section 1 of this Act.

Sec. 3. Section 605.35, Code 1981, is amended to read as follows:

605.35 DISTRICT COURT ADMINISTRATOR--DISTRICT COURT ADMINISTRATIVE FUND. A district court administrator for each judicial district may be appointed by the chief judge of the district to perform such duties as may be assigned by the chief judge of the district, at a salary to be fixed by order of that chief judge. The qualifications for appointment as a district court administrator shall be as established by

the supreme court. District court administrators shall cooperate with the court administrator of the judicial department in developing necessary statewide district court administration policies, and the court administrator of the judicial department shall, from time to time, call conferences of the district court administrators. ~~The chief judge of a judicial district in which an administrator has been appointed may provide for the establishment of a district court administrative fund, in which shall be deposited all appropriated funds received from the court administrator of the judicial department for district court use, and out of which all expenses of the district court administrator's office and any other district-wide expenses may be paid. Expenses not covered by funds appropriated for district court use shall be assessed to and paid by the counties in the judicial district in the same manner that expenses of shorthand reporters are assessed to and paid by the counties pursuant to section 605.9.~~ The district court administrator shall report to the court administrator of the judicial department, at the request of the latter, all information respecting the district court administrative fund. The office of district court administrator within each district shall consist of the district administrator and other employees as approved by the supreme court. The salary of a district court administrator shall be approved by the supreme court, and shall be not less than twenty-two thousand dollars per year and not more than thirty-four thousand dollars per year, provided that any person who is employed as a district court administrator on the effective date of this Act at a salary greater than this maximum amount shall be entitled to continue to receive the salary in effect for the person on the effective date of this Act. The expenses of operation of the offices of district court administrators shall be paid out of funds allotted by the supreme court to each of the offices of the district court administrators from appropriations made to the supreme court.

Sec. 4. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 704, subsection 1, paragraph a, is amended to read as follows:

a. For filing a petition, appeal, or writ of error and docketing them, ~~eight~~ twenty-five dollars. Four dollars of the fee shall remain in the county treasury for the use of the county and ~~four~~ twenty-one dollars of the fee shall be paid into the state treasury ~~and deposited in the general fund of the state.~~ One dollar shall be deposited in the judicial retirement fund created in section 605A.4 to be used to pay retirement benefits of the judicial retirement system. The remainder of the fee shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Sec. 5. Section 631.6, subsection 1, Code 1981, is amended to read as follows:

1. ~~Docket fees and other fees~~ The docket fee for a small claims action is eight dollars. Other fees imposed for small claims shall be the same as those required in regular actions in district court.

Sec. 6. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1981 and ending June 30, 1982, the sum of one hundred twelve thousand five hundred dollars, or so much thereof as is necessary to fund the additional judgeships created by section 1 of this Act. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1981 and ending June 30, 1982, the sum of six hundred thousand dollars, or so much thereof as is necessary to fund the expenses of operation of the offices of the district court administrators as provided in section 605.35.

There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the sum of one hundred fifty thousand

dollars or so much thereof as is necessary to fund the additional judgeships created by section 1 of this Act. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the sum of eight hundred thousand dollars or so much thereof as is necessary to fund the expenses of operation of the offices of district court administrators as provided in section 605.35.

Sec. 7. Sections 1, 3 and 6 of this Act take effect October 1, 1981. All other provisions of this Act take effect as provided by law.

TERRY E. BRANSTAD
President of the Senate

DELWYN SIROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 571, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE, 572

AN ACT

RELATING TO THE ADMINISTRATION AND FINANCING OF MENTAL HEALTH
AND MENTAL RETARDATION SERVICES, AND PROVIDING EFFECTIVE
DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. FINDINGS AND PURPOSE. The general assembly finds that community-based care, provided in many parts of the state by highly autonomous community mental health and mental retardation service providers working cooperatively with state mental health and mental retardation facilities, is meeting most mental health and mental retardation service needs of those Iowans to whom this care is available. However, the general assembly recognizes that heavy reliance on property tax funding for mental health and mental retardation services has restricted uniform availability of this care. consequently, greater efforts should be made to assure close coordination and continuity of care for those persons receiving publicly supported mental health and mental retardation services in Iowa. It is the purpose of sections 1 through 20 of this Act to continue and to strengthen the mental health and mental retardation services now available in the state of Iowa, to make these services conveniently available to all persons in this state upon a reasonably uniform financial basis, and to assure the continued high quality of these services.

Sec. 2. NEW SECTION. DEFINITIONS. As used in sections 1 through 20 of this Act:

1. "Commission" means the mental health and mental retardation commission.
2. "Commissioner" means the commissioner of social services.

3. "Department" means the department of social services.
 4. "Division" means the division of mental health, mental retardation, and developmental disabilities of the department of social services.
 5. "Director" means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.
 6. "Comprehensive services" means the mental health services aadedated by the Community Mental Health Centers Amendments of 1975, 42 U.S.C. sec. 2689 (1976, Supp. 11, 1978, and Supp. III, 1979). and the mental retardation services delineated in the annual state mental retardation plan.
- Sec. 3. NEW SECTION. DIVISION OF MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES--STATE MENTAL HEALTH AUTHORITY.
1. The division is designated the state mental health authority as defined in 42 U.S.C. sec. 201(m)(1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. sec. 201 et seq. This designation does not preclude the board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention and research activities in the areas of mental health and mental retardation. The division may contract with the board of regents or any institution under the board's jurisdiction to perform any of these functions.
 2. The division is designated the state developmental disabilities agency for the purpose of directing the benefits of the Developmental Disabilities Services and Facilities Construction Act, 42 U.S.C. sec. 6001 et seq.
 3. The division is administered by the director. The director of the division shall be qualified in the general field of mental health or mental retardation services, and preferably in both fields. The director shall have at least five years of experience as an administrator in one or both of these fields.

Sec. 4. NEW SECTION, 'DIRECTOR'S DUTIES.

1. The director shall:

- a. Prepare and administer state mental health and mental retardation plans for the provision of comprehensive services within the state and prepare and administer the state developmental disabilities plan. The director shall consult with the state department of health, the board of regents or a body designated by the board for that purpose, the office for planning and programming or a body designated by the director of the office for that purpose, the department of public instruction, the department of substance abuse, the department of job service and any other appropriate governmental body, in order to facilitate coordination of services provided to mentally ill, mentally retarded, and developmentally disabled persons in this state. The state mental health and mental retardation plans shall be consistent with the state health plan, shall be prepared in consultation with the state health coordinating council, and shall incorporate county mental health and mental retardation plans.
- b. Assist county coordinating boards in developing a program for community mental health and mental retardation services within the state based on the need for comprehensive services, and the services offered by existing public and private facilities, with the goal of providing comprehensive services to all persons in this state who need them.
- c. Emphasize the provision of outpatient services by community mental health centers and local mental retardation providers as a preferable alternative to inpatient hospital services.
- d. Encourage and facilitate coordination of services with the objective of developing and maintaining in the state a mental health and mental retardation service delivery system to provide comprehensive services to all persons in this state who need them, regardless of the place of residence or economic circumstances of those persons.

- e. Encourage **and** facilitate applied research and preventive educational activities related to causes and appropriate **treatment for mental illness** and mental retardation. The director may designate, or enter into agreements with, private or public agencies to carry out this function.
- f. Promote coordination of community-based services with those of the state mental health institutes and hospital-schools.
- g. Administer state programs regarding the care, treatment, and supervision of mentally ill or mentally retarded persons, except the programs administered by the state board of regents.
- h. Administer and control the operation of the state institutions established by chapters 222 and 226, and any other state institutions or facilities providing care, treatment, and supervision to mentally ill or mentally retarded persons, except the institutions and facilities of the state board of regents.
- i. Administer the state community mental health and mental retardation services fund established by section 7 of this Act.
- j. Act as compact administrator with power to effectuate the purposes of interstate compacts on mental health.
- k. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities.
 1. Prepare a division budget and reports of the division's activities.
- m. Advise the merit employment commission on recommended qualifications of all division employees.
- n. Establish suitable agreements with other state agencies to encourage appropriate care and to facilitate the coordination of mental health, mental retardation, and developmental disabilities services.
- o. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial system and the care review

committees appointed for county care facilities pursuant to section 135C.25.

p. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 222.59.

q. Provide technical assistance to agencies and organizations, to aid them in meeting standards which are established, or with which compliance is required, under statutes administered by the director, including but not limited to chapters 227 and 230A.

r. Recommend and enforce minimum accreditation standards for the maintenance and operation of community mental health centers under section 230A.16.

s. In cooperation with the state department of health, recommend and enforce minimum standards under section 34 of this Act for the care of and services to mentally ill and mentally retarded persons residing in county care facilities.

t. In cooperation with the state department of health, recommend minimum standards for the maintenance and operation of public or private facilities offering services to mentally ill or mentally retarded persons, which are not subject to licensure by the department or the state department of health.

2. The director may:

a. Apply for, receive, and administer federal aids, grants, and gifts for purposes relating to mental health, mental retardation, and developmental disabilities services or programs.

b. Establish mental health and mental retardation services for all institutions under the control of the commissioner of social services and establish an autism unit, following mutual planning with and consultation from the medical director of the state psychiatric hospital, at an institution or a facility administered by the director to provide psychiatric and related services and other specific programs to meet the needs of autistic persons as defined in Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph b, subparagraph 2, and to furnish appropriate diagnostic evaluation services.

c. Establish and supervise suitable standards of care, treatment, and supervision for mentally ill and mentally retarded persons in all institutions under the control of the commissioner of social services.

d. Appoint professional consultants to furnish advice on any matters pertaining to mental health and mental retardation. The consultants shall be paid as provided by an appropriation of the general assembly.

Sec. 5. NEW SECTION. MENTAL HEALTH AND MENTAL RETARDATION COMMISSION.

1. A mental health and mental retardation commission is established as the state policy-making body for the provision of mental health and mental retardation services, consisting of fifteen members appointed to three-year staggered terms by the governor and subject to confirmation by the senate. Commission members shall be appointed on the basis of interest and experience in the fields of mental health or mental retardation, in a manner so that, if possible, the composition of the commission will comply with the requirements of the Community Mental Health Centers Amendments of 1975, 42 U.S.C. sec. 2689t(a)(1976) relative to a state mental health advisory council, and so as to insure adequate representation from both the mental health and mental retardation fields. Four members of the commission shall be members of county boards of supervisors at the time of their appointment to the commission. Two members of the commission shall be members of county mental health and mental retardation coordinating boards at the time of their appointment to the commission. One member of the commission shall either be an active board member of a community mental health center or an active member of the Iowa mental health association at the time of appointment to the commission. one member of the commission shall be an active member of either a community mental retardation agency or the Iowa association for retarded citizens at the time of appointment to the commission.

2. The three-year terms shall begin and end as provided in section 69.19. Vacancies on the commission shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive three-year terms.

3. Members of the commission shall qualify by taking the oath of office prescribed by law for state officers. At its first meeting of each year, the commission shall organize by electing a chairperson and a vice chairperson for terms of one year. Commission members are entitled to forty dollars per diem and reimbursement for actual and necessary expenses incurred while engaged in their official duties, to be paid from funds appropriated to the department.

Sec. 6. NEW SECTION. DUTIES OF COMMISSION.

1. The commission shall:

a. Advise the director on administration of the overall state plans for comprehensive services.

b. Adopt necessary rules pursuant to chapter 17A which relate to mental health and mental retardation programs and services.

c. Adopt standards for accreditation of community mental health centers and comprehensive community mental health programs recommended under section 230A.16.

d. Adopt standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities recommended under section 34 of this Act.

e. Adopt standards for the delivery of mental health and mental retardation services by the division, and for the maintenance and operation of public or private facilities offering services to mentally ill or mentally retarded persons, which are not subject to licensure by the department or the state department of health, and review the standards employed by the department or the state department of health for licensing facilities which provide services to the mentally ill or mentally retarded persons.

f. Assure that proper appeal procedures are available to persons aggrieved by decisions, actions, or circumstances relating to accreditation.

g. Award grants from the special allocation of the state community mental health and mental retardation services fund pursuant to section 11 of this Act, as well as other moneys that become available to the division for grant purposes.

h. Review and rank applications for federal mental health grants prior to submission to the appropriate federal agency.

i. Annually submit to the governor and the general assembly:

(1) A report concerning the activities of the commission.

(2) Recommendations formulated by the commission for changes in law and for changes in the rules adopted by the auditor of state under section 10 of this Act.

j. Beginning not later than January 1, 1985, and continuing once every two years thereafter, submit to the governor and the general assembly an evaluation of:

(1) The extent to which mental health and mental retardation services stipulated in the state plans are actually available to persons in each county in the state.

(2) The cost effectiveness of the services being provided by each of the state mental health institutes established under chapter 226 and state hospital-schools established under chapter 222.

(3) The cost effectiveness of programs carried out by randomly selected providers receiving money from the state community mental health and mental retardation services fund established under section 7 of this Act.

k. Advise the director, the council on social services, the governor, and the general assembly on budgets and appropriations concerning mental health and mental retardation services.

1. Meet with the state developmental disabilities planning council at least twice a year for the purpose of coordinating mental health, mental retardation, and developmental disabilities planning and funding.

2. Notwithstanding section 217.3, subsection 6, the commission may adopt the rules authorized by subsection 1,

pursuant to chapter 17A, without prior review and approval of those rules by the council on social services.

Sec. 7. NEW SECTION. STATE COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES FUND ESTABLISHED.

1. A state community mental health and mental retardation services fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated to the fund for the forthcoming fiscal period in order to implement the purpose stated in section 1 of this Act.

2. The state community mental health and mental retardation services fund for each fiscal year shall be divided into two parts, the general allocation and the special allocation. The general allocation is equal to eighty percent and the special allocation is equal to twenty percent of the total appropriation.

Sec. 8. NEW SECTION. DISTRIBUTION OF GENERAL ALLOCATION.

A county is entitled to receive annually from the general allocation of the state community mental health and mental retardation services fund a share computed by a formula prescribed pursuant to section 9 of this Act, subject to the requirements of section 10 of this Act. As soon after July 1 of each year as reasonably possible, the director shall certify to the state comptroller the amount to which a county is entitled from the general allocation and the comptroller shall issue warrants in the amounts certified, drawn upon the general allocation in favor of the respective counties. A county shall place the money so received in the county mental health and institutions fund, and shall expend it in the same fiscal year in which it is received and only for the purposes authorized by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph a, subparagraphs (1), (2), and (3), and paragraphs b, c, d, and g.

If a county has not established or is not affiliated with a community mental health center under chapter 230A, the county shall expend a portion of the money received from the general allocation to contract with a community mental health center to provide mental health services to the county's residents. If such a contractual relationship is unworkable or undesirable, the commission may waive the expenditure requirement. However, if the commission waives the requirement, the commission shall address the specific concerns of the county and shall attempt to facilitate the provision of mental health services to the county's residents through an affiliation agreement or other means.

Sec. 9. NEW SECTION. FORMULA FOR DISTRIBUTION OF GENERAL ALLOCATION.

1. The general allocation of the state community mental health and mental retardation services fund shall be distributed to insure that each county participates in the distribution of the funds, to recognize past efforts made by individual counties to support state institutional and community-based services for mentally ill and mentally retarded persons, and to recognize both individual counties as entities and the distribution of the state population across counties.

2. In distributing the general allocation, each county shall receive an amount equal to the sum of the following two factors:

- a. Fifty percent of the general allocation divided by a factor of ninety-nine.
- b. Fifty percent of the general allocation multiplied by a factor equal to that county's proportionate share of the total state population.

Sec. 10. NEW SECTION. REQUIREMENTS OF COUNTIES RECEIVING GENERAL ALLOCATION MONEY.

1. A county is entitled to receive money from the general allocation of the state community mental health and mental retardation services fund in any fiscal year in an amount determined by section 9 of this Act, if that county:

a. Raised by county levy and expended for mental health and mental retardation services, in the preceding fiscal year, an amount of money at least equal to the amount so raised and expended for those purposes during the fiscal year' beginning July 1, 1980.

(1) With reference to the fiscal year beginning July 1, 1980, money "raised by county levy and expended for mental health and mental retardation services" means the total amount levied and expended by the county under Acts of the Sixty-ninth General Assembly, 1981 Session. Senate File 130, section 424, subsection 13 as the subsection read at the time that levy was made, adjusted by a procedure prescribed by rules, which shall be adopted by the auditor of state in consultation with the director, to exclude expenditures other than rental health and mental retardation expenditures which the county made in that fiscal year from the proceeds of that levy.

(2) With reference to a fiscal year beginning on or after July 1, 1981, money "raised by county levy and expended for mental health and mental retardation services" means the total amount of money expended by the county from the county mental health and institutions fund for the purposes authorized by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph a, subparagraphs (1), (2), and (3), and paragraphs b, c, d, and g, exclusive of state money received from the general allocation of the state community mental health and mental retardation services fund and of any third party reimbursement to the county.

(3) A county shall, as soon as reasonably possible after January 1, 1982, begin preparations to adopt and shall by January 1, 1984, implement an accounting and financial reporting procedure for recording expenditures for mental health and mental retardation services, in conformity with rules, which shall be adopted by the auditor of state in consultation with the director and a committee representing appropriate county officials. It is the intent of this

subparagraph that the Seventieth General Assembly, at its 1984 Session, reconsider the requirements of paragraph a of this subsection with a view to possible adjustments to more precisely measure each county's financial effort in support of mental health and mental retardation services.

b. Submits or joins other counties in submitting, prior to September 15 of each year, an application for a share of the general allocation for the succeeding fiscal year which is in conformity with subsection 2.

2. An application may be filed by a county or jointly by two or more counties. The application shall consist of:

a. An annual plan to improve or maintain availability and accessibility of comprehensive services to residents of the county or counties, which is found by the director to be in substantial compliance with the requirements of sections 1 through 20 of this Act. The annual plan is in substantial compliance with those requirements if it:

(1) Indicates that the services for which the county or counties intend to use general allocation money are comprehensive services or other services mandated or authorized by law, and are offered by accredited or licensed providers where accreditation or licensure standards are applicable.

(2) Demonstrates the availability and accessibility of comprehensive services by establishing or maintaining formal agreements for purchase of services or grant relationships with providers of services, and by extending eligibility for those services to all residents of the county or counties who are unable to assume the full cost of their care.

(3) Demonstrates effective implementation of an annual plan submitted by the county or counties under this subsection for the preceding fiscal year.

b. Evidence that each county is in compliance with subsection 1, paragraph a

3. Each application shall be for a period of at least one year and shall be acted upon as soon as reasonably possible by the director, who shall notify the applicant county or

counties of the action on the application no later than November 1 of the year in which the application is submitted. Money from the general allocation shall be disbursed on a quarterly basis to the counties entitled to the money under section 9 of this Act and this section. Counties receiving the money shall submit quarterly financial and plan status reports in the manner prescribed by the director.

4. A county shall return to the treasurer of state, no later than September 30 of each year, for placement in the general allocation of the state community mental health and mental retardation services fund, an amount equal to the amount by which expenditures by the county under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraph a, subparagraphs (1), (2), and (3), and paragraphs b, c, d, and g during the fiscal year ending the preceding June 30 were less than the total of that county's share of the general allocation of the state community mental health and mental retardation services fund for that preceding fiscal year.

Sec. 11. NEW SECTION. SPECIAL ALLOCATION. The special allocation of the state community mental health and mental retardation services fund shall be used by the director to administer grants-in-aid, awarded by the commission, to counties, combinations of counties, or their designees to provide to persons in a particular county or area one or more new or expanded community-based mental health or mental retardation services, or to continue those new or expanded services in a subsequent year, in furtherance of the purpose stated in section 1 of this Act. A grant may be made on terms providing for its use by the county or other grantee over a period of time greater than one year, but the entire grant shall be made from money available in the special allocation for the fiscal year during which the grant is made, and the director shall not obligate funds which the director anticipates will be appropriated in any future fiscal year. Each grant shall be made on terms and conditions agreed to

by the director and the grantee. In awarding grants, priority shall be given to proposed projects that enhance **deinstitutionalization** and provide accessible comprehensive services to geographical areas of the state which do not have those services or which have experienced reductions in those services due to the elimination of programs no longer funded. A proposed project which will offer services other than comprehensive services may be considered for a special allocation grant if the relevancy of the project to the needs of mentally ill and mentally retarded persons is demonstrated to the satisfaction of the **commission**.

Sec. 12. NEW SECTION. PARTIAL REIMBURSEMENT TO COUNTIES FOR LOCAL INPATIENT MENTAL HEALTH CARE AND TREATMENT.

1. A county which pays, from county funds budgeted under Act 6 of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, paragraphs d and g, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections 15 through 18 of this Act for treatment as an inpatient of a hospital facility, other than a state mental health institute, which has a designated mental health program and is a hospital accredited by the accreditation program for hospital facilities of the joint **commission** on accreditation of hospitals, is entitled to reimbursement from the state for a portion of the daily cost so incurred by the county. However, a county is not entitled to reimbursement for a cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter 249A, or who is entitled to have care or treatment paid for by any other third party payor, or who is admitted for preliminary diagnostic evaluation under sections 15 through 18 of this Act. The amount of reimbursement for the cost of treatment of a local inpatient to which a county is entitled, on a per-patient-per-day basis, is an amount equal to twenty percent of the average of the state mental health institutes' individual average daily patient costs in the

most recent calendar quarter for the program in which the local inpatient would have been served if the patient had been admitted to a state mental health institute.

2. A county may claim reimbursement by filing with the director a claim in a form prescribed by the director by rule. Claims may be filed on a quarterly basis, and when received shall be verified as soon as reasonably possible by the director. The director shall certify to the state comptroller the amount to which each county claiming reimbursement is entitled, and the comptroller shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly for the purpose of this section. A county shall place funds received under this section in the county mental health and institutions fund. If the appropriation for a fiscal year is insufficient to pay all claims arising under this section, the comptroller shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is necessary.

Sec. 13. NEW SECTION. STATE PAYMENT FOR PERSONS WITH NO COUNTY OF LEGAL SETTLEMENT. If a person receives community-based mental health or mental retardation services and has no county of legal settlement or the person's legal settlement is unknown, as determined under sections 252.16 and 252.17, and if neither that person nor another person legally chargeable with that person's support is able to pay for the services, the state shall pay the costs of the services.

Sec. 14. NEW SECTION. AUTHORITY OF DIRECTOR TO LEASE FACILITIES. The director may enter into agreements under which a facility or portion of a facility administered by the director is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter 504A. A lease executed under this section shall require that the lessee use the leased premises to deliver either comprehensive services or other services normally delivered by the lessee.

Sec. 15. NEW SECTION. PRELIMINARY DIAGNOSTIC EVALUATION.

1. Except insases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation by a community mental health center or by an alternative diagnostic facility has confirmed that the admission is appropriate to the person's mental health needs, and that no suitable alternative method of providing the needed services in a less restrictive setting or in or nearer to the person's home community is currently available. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections 16, 17, and 18 of this Act. However, notwithstanding the mandatory language requiring preliminary diagnostic evaluations in this section and sections 16, 17, and 18 of this Act, preliminary diagnostic evaluations shall not be required until the fiscal year for which the general assembly has appropriated moneys to the state community mental health and mental retardation services fund under section 7 of this Act.

2. As used in this section and sections 16, 17, and 18 of this Act, the term "medical emergency" means a situation in which a prospective patient is received at a state mental health institute in a condition which, in the opinion of the chief medical officer, or that officer's physician designee, requires the immediate admission of the person notwithstanding the policy stated in subsection 1.

Sec. 16. NEW SECTION. COUNTY IMPLEMENTATION OF EVALUATIONS. The board of supervisors of a county shall, no later than July 1, 1982, require that the policy stated in section 15 of this Act be followed with respect to admission of persons from that county to a state mental health institute. A community mental health center which is supported, directly or in affiliation with other counties, by that county shall perform the preliminary diagnostic evaluations for that county, unless the performance of the evaluations is not covered by the agreement entered into by the county and the center under section 230A.12, and the center's director certifies to the

board of supervisors that the center does not have the capacity to perform the evaluation?, in which case the board of supervisors shall proceed under section 18 of this Act.

Sec. 17. NEW SECTION. REFERRALS FOR EVALUATION.

1. The chief medical officer of a state mental health institute, or that officer's physician designee, shall advise a person residing in that county who applies for voluntary admission, or a person applying for the voluntary admission of another person who resides in that county, in accordance with section 229.41, that the board of supervisors has implemented the policy stated in section 15 of this Act, and shall advise that a preliminary diagnostic evaluation of the prospective patient be sought from the appropriate community mental health center or alternative diagnostic facility, if that has not already been done. This subsection does not apply when voluntary admission is sought in accordance with section 229.41 under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

2. The clerk of the district court in that county shall refer a person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section 229.42, to the appropriate community mental health center or alternative diagnostic facility for the preliminary diagnostic evaluation unless the applicant furnishes a written statement from that center or facility which indicates that the evaluation has been performed and that the person's admission to a state mental health institute is appropriate. This subsection does not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

3. Judges of the district court in that county or the judicial hospitalization referee appointed for that county shall so far as possible arrange for a physician on the staff

of or designated by the appropriate community mental health center or alternative diagnostic facility to perform a prehearing examination of a respondent required under section 229.8, subsection 3, paragraph b.

4. The chief medical officer of a state mental health institute shall promptly submit to the appropriate community mental health center or alternative diagnostic facility a report of the voluntary admission of a patient under the medical emergency clauses of subsections 1 and 2. The report shall explain the nature of the emergency which necessitated the admission of the patient without a preliminary diagnostic evaluation by the center or alternative facility.

Sec. 18. NEW SECTION. ALTERNATIVE DIAGNOSTIC FACILITY.
If a county is not served by a community mental health center having the capacity to perform the required preliminary diagnostic evaluations, the board of supervisors shall arrange for the evaluations to be performed by an alternative diagnostic facility for the period until the county is served by a community mental health center with the capacity to provide that service. An alternative diagnostic facility may be the outpatient service of a state mental health institute or any other mental health facility or service able to furnish the requisite professional skills to properly perform a preliminary diagnostic evaluation of a person whose admission to a state mental health institute is being sought or considered on either a voluntary or an involuntary basis.

Sec. 19. NEW SECTION. COUNTY MENTAL HEALTH AND MENTAL RETARDATION COORDINATING BOARD.

1. A county board of supervisors, independently or in conjunction with one or more other county boards of supervisors, shall either establish a county or joint county mental health and mental retardation coordinating board or constitute the board or the joint boards of supervisors as the ex officio county mental health and mental retardation Coordinating board. If a separate county mental health and mental retardation coordinating board is established, it shall

be composed of persons who have demonstrated a concern for mental health and mental retardation services and its size shall be determined by the board or joint boards of supervisors. One or more county supervisors may be named to serve on a separate county mental health and mental retardation coordinating board. If the board or joint boards of supervisors serve ex officio as the county mental health and mental retardation coordinating board, it shall establish an advisory board composed of persons who have demonstrated a concern for mental health and mental retardation services, and who are not governmental officials, to advise the coordinating board with respect to the coordinating board's functions under subsection 2.

2. A county or joint county mental health and mental retardation coordinating board shall:

a. Develop a plan for the provision of mental health and mental retardation services in the county or counties represented by the membership of the board, consistent with the state mental health and mental retardation plans; however, the plan shall only be valid if approved by the county board or boards of supervisors.

b. Distribute, after a county assessment of needed services and available resources, no more than sixty percent of the county's or counties' share of the general allocation of the state community mental health and mental retardation services funds for either mental health or mental retardation services.

c. Prepare an annual fiscal accounting of the use of state moneys appropriated through the state community mental health and mental retardation services fund for use in the respective counties.

d. Nominate potential recipients of grant money made available from or through the director for development of mental health or mental retardation services.

Sec. 20. NEW SECTION. FUTURE STATUS OF DIVISION. The provisions of this Act are repealed effective July 1, 1986. The First session of the Seventy-first General Assembly meeting

in the year 1985 shall review the activities and performance of the division and shall not later than July 1, 1985 make a determination concerning the status and duties of the division.

The program evaluation division of the legislative fiscal bureau shall conduct a program evaluation of the performance of the division and the efficacy of this Act, and provide recommendations and make a final report to the general assembly by January 1, 1985.

An interim committee consisting of members of the senate and house of representatives shall be established to study and evaluate the performance of the division, the efficacy of this Act, and the recommendations of the final report of the program evaluation division of the legislative fiscal bureau during the 1985 legislative interim. The committee shall evaluate the division's contributions to the development of uniform and accessible comprehensive services, the division's success in achieving the objectives established in the state mental health and mental retardation plans, the effectiveness of the funding mechanisms established by this Act, the division's contribution to the development of community services and to deinstitutionalization of inappropriately institutionalized persons, the division's activity in coordinating the provision of mental health and mental retardation services with other state and local agencies providing or funding services to mentally ill or mentally retarded persons, and other criteria deemed important by the interim committee.

Sec. 21. Section 217.2, Code 1981, is amended to read as follows:

217.2 COUNCIL ON SOCIAL SERVICES. There is hereby created within the department of social services a council on social services which shall act in a policy-making and advisory capacity on matters within the jurisdiction of the department. The council shall consist of five seven members appointed by the governor subject to confirmation by the senate.

Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of social services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. Members of the council shall serve for six-year staggered terms.

Each term shall commence and end as provided by section 69.19.

All members of the council shall be electors of the state of Iowa. No more than three four members shall belong to the same political party and no more than two members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

Sec. 22. Section 217.6, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The department of social services may be initially divided into the following divisions of responsibility: The division of child and family services, the division of mental health, mental retardation, and developmental disabilities, the division of administration, the division of corrections and the division of planning, research and statistics.

Sec. 23. Chapter 217, Code 1981, is amended by adding the following new section after section 217.9:

NEW SECTION. DIRECTOR OF DIVISION OF MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES. The director of the division of mental health, mental retardation, and developmental disabilities shall be qualified as provided in section 3, subsection 3 of this Act. The director's duties are enumerated in section 4 of this Act.

Sec. 24. Section 218.3, subsection 2, Code 1981, is amended to read as follows:

2. The director of the division of mental health, mental retardation, and developmental disabilities of the department of social services ~~have~~ has primary authority and responsibility relative to the following institutions: Glenwood State Hospital-School, Woodward State Hospital-School, Mental Health Institute, Cherokee, Iowa, Mental Health Institute, Clarinda, Iowa, Mental Health Institute, Independence, Iowa and Mental Health Institute, Mount Pleasant, Iowa.

Sec. 25. Section 218.9, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The director of the division of mental health, mental retardation, and developmental disabilities of the department of social services, subject to the approval of the commissioner of ~~such the~~ department, shall appoint the superintendents of the state hospital-schools for the mentally retarded and the mental health institutes.

Sec. 26. Section 218A.2, Code 1981, is amended to read as follows:

218A.2 ADMINISTRATOR. Pursuant to said the compact, the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services shall be the compact administrator ~~and when acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact.~~ The compact administrator ~~is hereby authorized, empowered and directed to~~ may co-operate with all departments, agencies, and officers of ~~and in the government of~~ this state and its subdivisions in facilitating the proper administration of the compact and of any supplementary agreement ~~or agreements~~ entered into by this state ~~thereunder~~ under the compact.

Sec. 27. Section 221.1, Code 1981, is amended to read as follows:

221.1 STATE AGENCY. The director of mental health, mental retardation, and developmental disabilities of the state department of social services is hereby designated as 'the single state agency to act as the administrative agency to provide for the continuation of comprehensive planning to combat mental retardation.

Sec. 28. Section 221.2, Code 1981, is amended to read as follows:

221.2 STAFF. The division of mental health, mental retardation, and developmental disabilities of the state department of social services shall employ the staff necessary for the purposes of interpretation, evaluation, and dissemination of Iowa's Comprehensive Plan to Combat Mental Retardation and to carry on needed research.

Sec. 29. Section 221.3, Code 1981, is amended to read as follows:

221.3 AIDS AND GRANTS RECEIVED. The director of mental health, mental retardation, and developmental disabilities of the state department of social services ~~is authorized and empowered to~~ may apply for and receive federal aids, grants, and gifts for purposes relating to mental retardation.

Sec. 30. Section 222.2, subsection 3, Code 1981, is amended to read as follows:

3. "Director" or "state director" means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 31. Section 226.47, Code 1981, is amended to read as follows:

226.47 "DIRECTOR" DEFINED. For the purpose of this chapter "director" or "state director" ~~shall mean~~ means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 32. Section 227.2, Code 1981, is amended to read as follows:

227.2 INSPECTION.

1. ~~Said state director~~ The commissioner of public health shall make, or cause to be made, at least ~~two inspections~~ one licensure inspection each year of every county care facility. Either the director or the commissioner of public health, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private and or county institution wherein where mentally ill or mentally retarded persons ~~are kept--Such~~ reside. A licensure inspection or a review shall be made by ~~the state director~~ er-by-me a competent and disinterested person appointed by him--inspectors shall be persons who are who is acquainted with and interested in the handling and care of mental patients and mentally ill and mentally retarded persons. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall be required to consult and advise consult with the county authorities on plans and practices that will improve the care given patients and shall make such recommendations to the state director and the commissioner of public health for ~~co-ordinating~~ coordinating and improving the relationships between the stewards administrators of county care facilities, the state director, the commissioner of public health, the superintendents of hospitals state mental health institutes and hospital-schools, community mental health centers, and other ~~co-operating~~ cooperating agencies, as will make for to cause improved and more satisfactory care of patients. Written A written report ~~as to such inspections~~ of each licensure inspection of a county care facility under this section shall be filed with the state director and the commissioner of public health and shall embrace include:

1 a. The capacity of ~~said the~~ the institution for the care of patients residents.

2 b. The number, ~~and sex,~~ ^{ages,} and primary diagnoses of the patients-kept-therein residents.

~~3.--The-arrangement,-method-of-construction,-and adaptability-of-buildings-for-the-purposes-intended.~~

~~4.--The-condition-of-buildings-as-to-sewerage,-ventilation, light,-heat,-cleanliness,-means-of-water-supply,-fire-escapes, and-fire-protection.~~

6 c. The care of patients residents, their food, clothing, medical treatment plan, and employment, and opportunity for recreational activities and for productive work intended primarily as therapeutic activity.

6 d. The number, kind job classification, sex, duties, and salaries of all employees.

3 e. The cost to the state or county of maintaining mentally-ill-patients-therein,-separate-from-the-cost-of maintaining-sane-paupers residents in a county care facility.

6 f. The recommendations given to and received from county authorities on methods and practices that will improve the conditions under which the county care facility is operated.

9.--Such g. Any failure to comply with standards adopted under section 34 of this Act for care of mentally ill and mentally retarded persons in county care facilities, which is not covered in information submitted pursuant to paragraphs a through f, and any other matters as which the commissioner of public health, in consultation with the state director, may require.

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the county mental health and mental retardation coordinating board or to its advisory board if the county board of supervisors constitutes ex officio the coordinating board, to the administrator of the county care facility inspected and to its care review committee, and to the commission on the aging.

3. The state department of health shall inform the director of an action by the department to suspend, revoke, or deny renewal of a license issued by the state department of health to a county care facility, and the reasons for the action.

4. In addition to the aforesaid licensure inspections required or authorized by this section, the state director shall rake-er cause to be made an inspection evaluation of each county-care-facility-where-mental-patients-are-kept person cared for in a county care facility at least once each year by a-competent-psychiatrist-employed-by-the-state-hospital in-the-hospital-district-where-the-county-care-facility-is located one or more qualified mental health, mental retardation, or medical professionals. whichever is appropriate.

a. It is the responsibility of the state to secure the annual evaluation for each person who is on convalescent leave or who has not been discharged from a state mental health institute. It is the responsibility of the county to secure the annual evaluation for all other mentally ill persons in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each person who is on leave and has not been discharged from a state hospital-school. It is the responsibility of the county to secure the annual evaluation for all other mentally retarded persons in the county care facility.

c. It is the responsibility of the county to secure an annual evaluation of each resident of a county care facility to whom neither paragraph a nor paragraph b is applicable.

5. Such-inspection The evaluations required by subsection 4 shall include an examination of each mental-patient person which shall reveal the patient's person's condition of mental and physical health and the likelihood of improvement or discharge and such other recommendations concerning the care of patients those persons as the inspector evaluator deems pertinent. One copy of said-inspection-report the evaluation

shall be filed with the ~~state director, one copy mailed to the county board of supervisors~~ and one copy ~~mailed to the steward~~ shall be filed with the administrator of the county care facility inspected.

Sec. 33. Section 227.3, Code 1981, is amended to read as follows:

227.3 **PATIENTS RESIDENTS TO HAVE HEARING.** The inspector conducting any licensure inspection or review under section 227.2 shall give each patient resident an opportunity to converse with ~~him~~ the inspector out of the hearing of any officer or employee of the institution, and shall fully investigate all complaints and report the result thereof in writing to ~~said~~ the state director. The ~~state~~ state director before acting on ~~said~~ the report adversely to the institution, shall give the persons in charge thereof a copy of ~~such~~ the report and an opportunity to be heard.

Sec. 34. Chapter 227, Code 1981, is amended by adding after section 227.3 the following new section:

NEW SECTION. STANDARDS FOR CARE OF MENTALLY ILL AND MENTALLY RETARDED PERSONS IN COUNTY CARE FACILITIES. The director, in cooperation with the state department of health, shall recommend, and the mental health and mental retardation commission shall adopt standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities. The objective of the standards is to insure that mentally ill and mentally retarded residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the director shall designate an advisory committee representing administrators of county care facilities, county coordinating boards, and county care facility care review committees to assist in the establishment of standards.

Sec. 35. Section 227.6, Code 1981, is amended to read as follows:

227.6 **REMOVAL OF PATIENTS RESIDENTS.** ~~Said state director, in case of failure~~ If a county care facility fails to comply with ~~his~~ his rules, ~~is authorized to~~ and standards adopted under this chapter, the director ~~may~~ may remove all ~~said~~ said mentally ill and mentally retarded persons ~~kept~~ kept ~~cared for in~~ cared for in ~~such~~ such institutions ~~the~~ the county care facility at public expense, to the proper state ~~hospital~~ hospital mental health institute or hospital-school, or to some private or county institution or hospital for the care of the mentally ill or mentally retarded that has complied with the rules prescribed by ~~said~~ the state director, ~~such.~~ The removal of ~~patients~~ patients residents, if to a state ~~hospital~~ hospital-to mental health institute or hospital-school, shall be made by an attendant or attendants sent from the ~~state-hospital~~ state-hospital institute or hospital-school. If a female resident is removed under ~~the provisions of~~ the provisions of this section, at least one attendant shall be ~~a female~~ a female of the same sex. If the director finds that the needs of mentally ill and mentally retarded residents of any other county or private institution are not being adequately met, those residents may be removed from that institution upon order of the director, in consultation with the commissioner of public health.

Sec. 36. Section 227.19, code 1981, is amended to read as follows:

227.19 "DIRECTOR" DEFINED. For the purpose of this chapter "director" or "state director" ~~shall mean~~ means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 37. Section 229.15, subsection 3, Code 1981, is amended to read as follows:

3. When a patient has been placed in a facility other than a hospital pursuant to section 229.14, subsection 4, a report on the patient's condition and prognosis shall be

made to the court which so placed the patient, at least once every six months, unless the court authorizes annual reports. ~~The A~~ report shall be submitted within fifteen days ~~following the inspection, required by section 227.2, of~~ after the facility in which the patient has been placed is evaluated as required by section 227.2, subsection 4. The court may in its discretion waive the requirement of an additional report between the annual evaluations. If the director exercises the authority to remove residents from a county care facility or other county or private institution under section 227.6, the director shall promptly notify each court which placed in that facility any resident so removed.

Sec. 38. Section 230.20, unnumbered paragraph 1, subsection 1, unnumbered paragraph 1, subsection 2, and subsection 3, are amended to read as follows:

The superintendent of each state hospital for the mentally ill established by section 226.1, or his designee, shall ~~on the tenth day of July, October, January and April of each year for each semiannual period, which shall either begin January 1 or July 1,~~ compute the amounts which are due the state from each county for services rendered by the hospital to patients chargeable to those counties, and shall bill the counties quarterly under subsection 4. Each hospital's charges for services rendered in a ~~particular quarter~~ semiannual period shall be based on that hospital's expenditures during the immediately preceding ~~quarter~~ semiannual period, and shall be computed as follows:

The expenditures of the hospital during ~~the preceding calendar quarter~~ a semiannual period shall be separately computed by program in accordance with generally accepted accounting procedures. In so doing, the superintendent or ~~his~~ the superintendent's designee shall not include any of the following:

2. The total patient days of service provided during ~~the preceding calendar quarter~~ a semiannual period shall be identified and accumulated for each program for which

expenditures are separately computed under subsection 1 of this section.

3. The total expenditure during ~~the preceding calendar quarter~~ a semiannual period computed for each program pursuant to subsection 1 shall be divided by the total patient days of service provided during the ~~calendar quarter~~ semiannual period by that program, determined pursuant to subsection 2, to derive the average daily patient cost for each program.

Sec. 39. Section 230.20, subsection 5, Code 1981, is amended to read as follows:

5. An individual statement shall be prepared for a patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections 125.33 and 125.34 the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for ~~one hundred eighty~~ eighty percent of the stated charge for each patient, ~~unless otherwise specified in the current appropriation for support of the state hospitals~~ this subsection. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

Sec. 40. Section 230.34, code 1981, is amended to read as follows:

230.34 "DIRECTOR" DEFINED. As used in this chapter, "director" or "state director" means the director of the division of mental health, mental retardation, and developmental disabilities of the department of social services.

Sec. 41. Section 230A.1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1029, is amended to read as follows:

230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS. A county or affiliated counties having a ~~total or combined population of thirty-five thousand or more,~~ by action of the board or boards of supervisors, with approval of the ~~Iowa~~ director of the division of mental health authority, mental retardation, and developmental disabilities, may establish a community mental health center under this chapter to serve the county or counties. In establishing the community mental health center, the board of supervisors of each county involved may make a single nonrecurring expenditure from the county fund specified in section 424, subsection 13 of ~~this Act~~ Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, in an amount ~~not exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county, but an expenditure shall not be made under this section by any county which has prior to July 17, 1974, expended funds to assist in establishment of a community mental health center under section 230.24, third paragraph, Code 1966 or Code 1971, or section 230.24, second paragraph, Code 1973~~ determined by the board. This section does not limit the authority of the board or boards of supervisors of any county or group of counties, ~~which prior to July 17, 1974, established or joined in establishing a community mental health center in a manner consistent with the requirements of section 230A.3,~~ to continue to expend money from the county funds fund specified in this section to support operation of the center, and to form agreements with the board of supervisors of any additional county for that county to join in supporting and receiving services from or through the center.

Sec. 42. Section 230A.16, Code 1981, is amended to read as follows:

230A.16 ESTABLISHMENT OF STANDARDS. The ~~Iowa~~ director of the division of mental health authority, with approval of the committee on mental hygiene and subject to the provisions of chapter 17A, mental retardation, and

developmental disabilities shall formulate and adopt and may from time to time revise recommend and the mental health and mental retardation commission shall adopt standards for community mental health centers and comprehensive community mental health program, with the overall objective of ensuring that each center and each affiliate providing services under contract with a center furnishes high quality mental health services within a framework of accountability to the community it serves. The standards shall be in substantial conformity with those of the psychiatric committee of the joint committee on accreditation of hospitals and other recognized national standards for evaluation of psychiatric facilities unless in the judgment of the ~~Iowa~~ director of the division of mental health authority, mental retardation, and developmental disabilities, with approval of the ~~committee on mental hygiene~~ mental health and mental retardation commission, there are sound reasons for departing from such standards. When ~~formulating or revising recommending~~ formulating or revising recommending standards under this section, the ~~Iowa~~ director of the division of mental health authority, mental retardation, and developmental disabilities shall designate an advisory committee representing boards of directors and professional staff of community mental health centers to assist in the formulation or revision of standards. At least a simple majority of the members of the advisory committee shall be lay representatives of community mental health center boards of directors. At least one member of the advisory committee shall be a member of a county board of supervisors. The standards ~~established recommended~~ established recommended under this section shall include requirements that each community mental health center established or operating as authorized by section 230A.1 shall:

1. Maintain and make available to the public a written statement of the services it offers to residents of the county or counties it serves, and employ or contract for services with affiliates employing specified minimum numbers of professional personnel possessing specified appropriate

credentials to assure ~~that the~~ services offered are furnished in a manner consistent with currently accepted professional standards in the field of mental health.

2. Unless it is governed by a board of trustees elected or selected under sections 230A.5 and 230A.6, be governed by a board of directors which adequately represents interested professions, consumers of the center's services, socio-economic, cultural, and age groups, and various geographical areas in the county or counties served by the center.

3. ~~The Arrange for the~~ financial condition and transactions of ~~each the~~ community mental health center shall to be audited once each year by the auditor of state, ~~provided, however, that. However,~~ in lieu of an audit by state accountants, the local governing body of a community mental health center organized under ~~the terms of~~ this chapter ~~in case it elects to do so,~~ may contract with or employ certified public accountants to conduct ~~such the~~ audit, pursuant to the applicable terms and conditions prescribed by sections 11.18 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the accountant employed to the Iowa director of the division of mental health authority, mental retardation, and developmental disabilities, and the board of supervisor8 supporting the audited community mental health center.

4. Adopt and implement procedural rules ensuring that no member of the center's board of directors, or board of trustees receives from the center information which identifies or is intended to permit the members of the board to identify any person who is a client of that center.

Sec. 43. Section 230A.17, Code 1981, is amended to read as follows:

230A.17 REVIEW AND EVALUATION. The ~~committee on mental~~ hygiene director of the division of mental health, mental retardation, and developmental disabilities may review and evaluate any community mental health center upon ~~its own~~ ~~motion or upon~~ the recommendation of the Iowa mental health

authority and mental retardation commission, and the committee shall do so upon the written request of the center's board of directors, its chief medical or administrative officer, or the board of supervisors of any county from which the center receives public funds. The cost of the review shall be paid by the Iowa division of mental health authority, mental retardation, and developmental disabilities.

Sec. 44. Section 230A.18, Code 1981, is amended to read as follows:

230A.18 REPORT OF REVIEW AND EVALUATION. Upon completion of a review made pursuant to section 230A.17, the reviewing bear review shall ~~submit its findings~~ be submitted to the board of directors and chief medical or administrative officer of the center ~~in such manner as the team members deem most appropriate.~~ If the reviewing-beam review concludes that the center fails to meet any of the standards established pursuant to section 230A.16, subsection 1, and that the response of the center to this finding is unsatisfactory, these conclusions shall be reported to the ~~committee on mental~~ hygiene mental health and mental retardation commission which may forward the conclusions to the board of directors of the center and request an appropriate response within ~~a reasonable period of time~~ thirty days. If no response is received within ~~a reasonable period of time~~ thirty days, or if the response is unsatisfactory, the ~~committee~~ commission may ~~as its ultimate sanction~~ call this fact to the attention of the board of supervisors of the county or counties served by the center, and in doing so shall indicate what corrective steps have been recommended to the center's board of directors.

Sec. 45. Section 234.36, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1033, is amended to read as follows:

234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county shall pay from the county fund specified in section 424, subsection 13, paragraph e of this Act Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, the cost

of foster care for a child placed by a court as provided in section 232.50 or ~~section 232.99~~. However, in any fiscal year for which the general assembly appropriates state funds to pay for foster care for children placed by courts under ~~these sections 232.50 and 232.99~~, the county is responsible for these costs only when the funds so appropriated to the department for that fiscal year have been exhausted. The rate of payment by the county or the state under this section shall be that fixed by the department of social services pursuant to section 234.38.

Sec. 46. Chapter 262, Code 1981, is amended by adding the following new section:

NEW SECTION. EDUCATION, PREVENTION, AND RESEARCH PROGRAMS IN MENTAL HEALTH AND MENTAL RETARDATION. The division of mental health, mental retardation, and developmental disabilities may contract with the board of regents or any institution under the board's jurisdiction to establish and maintain programs of education, prevention, and research in the fields of mental health and mental retardation. The board may delegate responsibility for these programs to the state psychiatric hospital, the university hospital, or any other appropriate entity under the board's jurisdiction.

Sec. 47. Section 347.14, subsection 8, Code 1981, is amended to read as follows:

8. In counties having a population of one hundred thirty-five thousand inhabitants or over, establish a psychiatric department in connection with ~~said the~~ hospital to provide for ~~temporary~~ admission of patients for observation, examination, diagnosis and ~~treatment, which admission shall be for a period of not more than sixty days.~~

Sec. 48. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 424, subsection 13, is amended to read as follows:

13. A county mental health and institutions fund. ~~Amounts received from the state mental aid fund shall be credited to the county mental health and institutions fund.~~ The board

shall make appropriations from the county mental health and institutions fund for all of the following and for no other purposes:

a. Charges which the county is obligated by statute to pay for:

(1) Care and treatment of patients by a state mental health institute.

(2) Care and treatment of patients by either of the state hospital-schools or by any other facility established under chapter 222.

(3) Care and treatment of patients ~~by the psychiatric hospital at Iowa City~~ under chapter 225.

(4) Care and treatment of persons at the alcoholic treatment center at Oakdale or facilities as provided in chapter 125. However, the county may require that an admission to a center or other facility shall be reported to the board within five days by the center or facility offering treatment as a condition of the payment of county funds for that admission.

(5) Care of children admitted or committed to the Iowa juvenile home at Toledo.

(6) Clothing, transportation, and medical or other services provided persons attending the Iowa braille and sight-saving school, the Iowa school for the deaf, or the state hospital-school for severely handicapped children at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.5 through 270.7.

b. Any portion which the board deems advisable of the cost of ~~psychiatric examination and treatment of persons in need thereof or of~~ professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, autistic ~~children~~ persons, or persons who are afflicted by any other developmental disability, at a suitable public or private facility providing inpatient or outpatient care in the county. As used in this subsection:

(1) "Developmental disability" has the meaning assigned that term by 42 U.S.C. sec. 6001(7) (1976, Supp. 11, 1978, and Supp. 111, 1979).

(2) "Autistic children persons" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn, and participate in social relationships. "Autistic children persons" includes but is not limited to those persons afflicted by infantile autism, profound aphasia, and childhood psychosis.

~~The board may require a public or private facility as a condition of payment from county funds to furnish the board with a statement of the income and assets, and the township or city and county of legal residence of each person receiving services under this section. However, the facility shall not disclose to anyone the name or address of a person receiving services for which commitment is not required, without the permission of that person.~~

c. The cost of care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in section 135C.1, subsection 4, or any other public or private facility:

(1) In lieu of admission or commitment to a state mental health institute, hospital-school, or other facility established pursuant to chapter 222.

(2) Upon discharge, removal, or transfer from a state mental health institute or state hospital-school or other institution established pursuant to chapter 222.

d. ~~A contribution which the board makes to the~~ Amounts budgeted by the board for the costs of establishment and initial operation of a community mental health center in the manner and subject to the limitations provided by state law.

e. Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court.

f. Expenses required to be paid by the county for the care, admission, commitment, and transportation of mentally ill patients in state hospitals.

~~Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for an individual patient in a county or state facility.~~

g. Amounts budgeted by the board for mental health services or mental retardation services furnished to persons on either an outpatient or inpatient basis, to a school or other public agency, or to the community at large, by a community mental health center or other suitable facility located in or reasonably near the county, provided that services paid for with the fund shall meet the standards of the mental health and mental retardation commission and be consistent with the annual plan for services approved by the board.

The board, at the time of levying other taxes, shall estimate the amount necessary to meet the expenses authorized by this section which it is anticipated that the county will incur in the coming year, and levy a tax sufficient to raise the amount needed. The tax shall be computed and spread as a single levy, but the board of supervisors shall determine and enter of record the respective separate amounts budgeted for payment from county tax revenues under paragraphs a through

g. The proceeds of the tax shall be credited to the county mental health and institutions fund, and used only for the purposes prescribed by this section. If a county fails to levy a tax sufficient to meet the expenses which the county is required to pay, or which the board chooses to pay, from the county mental health and institutions fund, the deficiency shall be met by transfer of funds from the county general fund to the county mental health and institutions fund.

The board of supervisors may require a public or private facility, as a condition of receiving payment from county funds for services it has provided, to furnish the board with a statement of the income, assets, and township or city and county of legal residence of each person who has received

services from that facility for which payment has been made from county funds under this section. However, the facility shall not disclose to anyone the name or street or route address of any person receiving services for which commitment is not required, without first obtaining that person's written permission.

Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for a patient or an inmate in a county or state facility.

Sec. 49. Sections 225B.1, 225B.2, 225B.3, and 225B.8, Code 1981, are repealed effective July 1, 1981; chapter 225B, Code 1977, is repealed effective January 1, 1982; however, the Iowa mental health authority shall continue to be governed by chapter 225B, Code 1977, until January 1, 1982. Sections 225B.4 through 225B.7, Code 1981, are repealed effective July 1, 1982.

Sec. 50. Sections 217.10, 217.11, and 217.12, Code 1981, are repealed effective January 1, 1982; however, the division of mental health resources of the department of social services shall continue to be governed by sections 217.10, 217.11, and 217.12, Code 1981, until January 1, 1982.

Sec. 51. Sections 227.16, 227.17 and 227.18, Code 1981, are repealed effective July 1, 1982.

Sec. 52. The effective dates of the provisions of this Act are as follows:

1. This section and sections 5, 12, 13, 21, 49, 53, and 54 of this Act take effect July 1, 1981.

2. Notwithstanding the permanent provisions of section 5 of this Act, the governor shall appoint the initial members of the mental health and mental retardation commission on or after July 1, 1981, and shall complete the appointments no later than October 1, 1981. Of the initial appointees to the mental health and mental retardation commission, the governor shall designate five members to serve two-year terms, five members to serve three-year terms, and five members to serve special four-year terms. The initial terms shall begin

as soon as the members are appointed but shall end, as provided in section 69.19, as if the fixed terms began on May 1, 1981. As soon as practicable after appointment of its members, the commission shall organize. Its duty prior to January 1, 1982, is to perform the functions of the state mental health advisory council and to advise the commissioner of social services and the director of the division of mental health resources of the department of social services on preparations to implement this Act.

The governor shall appoint the two new members of the council on social services pursuant to section 217.2 for appropriately staggered terms which shall begin on July 1, 1981, and end, as provided in section 69.19, as if the fixed terms began on May 1, 1981. The member of a county board of supervisors appointed as a member of the council on social services shall be paid expenses provided in section 217.4.

3. Sections 1, 2, 3, 4, 6, 14, 19, 50, and 55 of this Act take effect January 1, 1982.

4. Sections 7 through 11, 15 through 18, 39, 45, 48, and 51 of this Act take effect July 1, 1982. However, a county or counties shall submit prior to September 15, 1981 an application for a share of the general allocation for the 1982-1983 fiscal year, and the division shall notify the applicant county or counties of its action on the application on or before November 1, 1981, as required by section 10 of this Act. However, a county shall, as soon as reasonably possible after January 1, 1982, begin preparations to adopt state auditor's accounting procedures.

5. All sections not governed by the foregoing provisions of this section are effective January 1, 1982.

Sec. 53. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services three hundred seventy thousand (370,000) dollars, or so much thereof as is necessary for reimbursement to counties for local inpatient mental health care and treatment as provided in section 12 of this Act.



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

June 20, 1981

SECRET

RECEIVED

RECEIVED

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 572, an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

Senate File 572 is approved June 20, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 13 which reads as follows:

Sec. 13. NEW SECTION. STATE PAYMENT FOR PERSONS WITH NO COUNTY OF LEGAL SETTLEMENT. If a person receives community-based mental health or mental retardation services and has no county of legal settlement or the person's legal settlement is unknown, as determined under sections 252.16 and 252.17, and if neither that person nor another person legally chargeable with that person's support is able to pay for the services, the state shall pay the costs of the services.

This action is made necessary for three reasons:

- This section requires a state appropriation in excess of \$200,000. However, the legislature did not act to appropriate those monies to the Department of Social Services to assume that financial responsibility.
- This section provides an open-ended appropriation with no limitations on the state's financial liability.
- This section expands the state's financial responsibility for services outside of the range currently provided to state mental health patients.

The Honorable Mary Jane Odell

Page 2

June 20, 1981 .

Presently, the state pays for county mental health services for those individuals who do not have a county of legal settlement if they are leaving a mental health institution or a state hospital-school. This section would extend the state's financial liability for all individuals with no county of legal settlement, regardless of the location of their earlier treatment. This could result in a significant drain on state finances at a time when the state budget is extremely tight. Indeed, I have been forced to make across-the-board cuts to many existing state programs, and the General Assembly has made additional cuts in order to ensure a balanced state budget.

It may be appropriate that in the future the state assume financial responsibility for all people who need mental health treatment, have no county of legal settlement, and cannot pay for the services. However, there is reason to believe that those who sought this expansion of state financial responsibility at this time were not fully aware of the dollar impact of that extension on the state budget. As a result, no appropriation to carry out the provisions of this section was made by the General Assembly. The state cannot assume this responsibility now, but the General Assembly can consider such an extension in the future when our state budget allows for it.

In addition, Section 13 provides an open-ended appropriation which includes no limit on the extension of the state's financial responsibility for these mental health patients. At this time of budget restrictions, we cannot afford to sign a blank check for state support of these mental health services.

Finally, it is important to note that Section 13 anticipates an expansion of state responsibility for mental health services which are not currently provided to existing state patients. Many of these services will not be fully defined until the Mental Health and Mental Retardation Commission begins operation on January 1, 1982. Providing state responsibility for services that have yet to be defined is premature. It would be best to wait until the Commission is fully established before any extension of existing mental health services is provided in the law.

In summary, while it may be wise for the state in the future to assume the cost of community-based mental health and mental retardation services for people who have no county of legal settlement and are not able to pay for those services themselves, the state's current budget constraints do not allow for such an extension of financial responsibility at this time. The legislature extended the services but did not appropriate the monies

Sec. 54. Any funds appropriated to the state mental health advisory council for the fiscal period beginning July 1, 1981, and ending June 30, 1983, shall be transferred, effective July 1, 1981, to the division of mental health, mental retardation, and developmental disabilities of the department of social services for use by the mental health and mental retardation commission or the division.

Sec. 55. Any funds appropriated to the Iowa mental health authority for the fiscal period beginning January 1, 1982, and ending June 30, 1983, shall be transferred, effective January 1, 1982 to the division of mental health, mental retardation, and developmental disabilities of the department of social services for use by the division.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 572, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

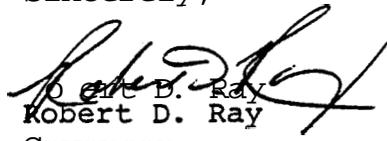
ROBERT D. RAY
Governor

The Honorable Mary Jane Odell
Page 3
June 20, 1981

necessary to fund these services. In addition, the open-ended nature of the appropriation and the failure to adequately define the services to be provided warrant an item veto of Section 13 of this bill.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 572 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

RDR:cg

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 575

AN ACT

RELATING TO APPROPRIATIONS FOR CAPITAL PROJECTS INCLUDING MAKING APPROPRIATIONS TO CERTAIN EDUCATIONAL AGENCIES AND STRIKING APPROPRIATIONS FOR PLANNING AND COMPLETION OF CERTAIN CONSTRUCTION PROJECTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, except as otherwise provided, to the state board of regents, the following amounts, or so much thereof as is necessary, to be used in the manner designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to reimburse such institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions \$ 4,000,000 8 4,900,000

Unobligated or unencumbered funds remaining on June 30, 1982, from funds appropriated by this section for the fiscal year beginning July 1, 1981, shall revert to the general fund on September 30, 1982. Unobligated or unencumbered funds

remaining on June 30, 1983, from funds appropriated by this section for the fiscal year beginning July 1, 1982, shall revert to the general fund on September 30, 1983.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981 and ending June 30, 1982 to the state educational radio and television facility board the sum of one hundred thousand (100,000) dollars, or as much thereof as may be necessary, to be used to match federal funds for the purchase and installation of translators to aid in providing educational television coverage throughout the state.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1004, sections 14, 15, 16, 17, 19, and 20, are repealed.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 515, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE FILE 576

AN ACT

RELATING TO **THE STATE CIGARETTE AND LITTLE CIGAR TAX BY IN-**
CREASING THE RATE OF TAX FOR A "O-YEAR PERIOD, SETTING
TEE DISCOUNT PERCENT FOR A TWO-YEAR PERIOD ON THE SALE OF
CIGARETTE AND LITTLE CIGAR TAX STAMPS, IMPOSING A ONE-TIME
INVENTORY TAX, AND PROVIDING A ONE-TIME INVENTORY TAX RE-
FUND.

BE IT ENACTED BY **THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

Section 1. Section 98.6, Code 1981, ~~is~~ amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding subsection 1, there is imposed for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 and shall be collected and paid to the department a tax on all cigarettes used or otherwise disposed of in this state for any purpose at the rate of nine mills on each cigarette which shall not be considered as part of the basic cost of cigarettes as defined in section 551A.2.

Sec. 2. Section 98.8, subsection 1, Code 1981, is amended to read as follows:

1. Stamps shall be sold by and purchased from the department. The department shall sell stamps to the holder of a state distributor's permit which has not been revoked and to no other person. Stamps shall be sold to ~~each~~ the permit holders at a discount of not to exceed five percent ~~from~~ of the face value. However, for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, stamps shall be sold to permit holders at a discount of two percent of the face value. Stamps shall be sold in unbroken books of one thousand stamps, unbroken rolls of thirty thousand stamps, or unbroken lots of any other form authorized by the director.

Sec. 3.

1. All persons required to be licensed under section 98.13 as distributors having ~~in~~ their possession prior to delivery for resale ~~as~~ of the close of business on June 30, 1981 cigarettes or little cigars upon which the tax under section 98.6 or 98.43 ~~has~~ been paid, unused cigarette and little cigar tax stamps which have been paid for under section 98.8, or unused metered imprints which have been paid for under section 98.12 shall be subject to an inventory tax on such items as provided ~~in~~ this section.

2. Persons subject to the inventory tax imposed under this section shall take an inventory ~~as~~ of the close of business on June 30, 1981 of those items subject to the inventory tax for the purpose of determining the tax due. These persons shall report the tax on forms provided by the department of revenue and remit the tax due with the forms by July 31, 1981. The department of revenue shall adopt rules ~~as are~~ necessary to carry out this section.

3. The rate of the inventory tax on each item subject to the tax ~~as~~ specified in subsection 1 is equal to the difference between the amount paid on each item under section

98.6, 98.8, 98.12, or 98.43 prior to July 1, 1981 and the amount that is to be paid on each similar item under section 98.6, 98.8, 98.12, or 98.43 on or after July 1, 1981 except that in computing the rate of the inventory tax any discount allowed or allowable under section 98.8 shall not be considered.

Sec. 4.

1. All persons required to be licensed under section 98.13 as distributors having in their possession prior to delivery for resale as of the close of business on June 30, 1983 cigarettes or little cigars upon which the tax under section 98.6 or 98.43 has been paid, unused cigarette and little cigar tax stamps which have been paid for under section 98.8, or unused metered imprints which have been paid for under section 98.12 shall be entitled to an inventory tax refund on such items as provided in this section.

2. Persons entitled to the inventory tax refund under this section shall take an inventory as of the close of business on June 30, 1983 of those items entitled to the inventory tax refund for the purpose of determining the tax refund due. These persons shall report the tax refund on forms provided by the department of revenue and remit the forms by July 31, 1983. The department of revenue shall adopt rules as are necessary to carry out this section.

3. The rate of the inventory tax refund on each item entitled to the tax refund as specified in subsection 1 is equal to the difference between the amount paid on each item under section 98.6, 98.8, 98.12. or 98.43 prior to July 1, 1983 and the amount that is to be paid on each similar item under section 98.6, 98.8, 98.12, or 98.43 on or after July 1, 1983 except that in computing the rate of the inventory tax refund any discount allowed or allowable under section 98.8 shall not be considered.

Sec. 5. Sections 1 and 2 of this Act take effect July 1, 1981, section 4 of this Act takes effect June 30, 1983, and section 3 of this Act is retroactive to and takes effect on June 30, 1981.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 576, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor

SENATE CONCURRENT RESOLUTION 35

WHEREAS, section 262A.3 provides that the state board of regents shall prepare and submit to the general assembly for approval no later than seven days after the convening of each regular annual session of the general assembly a proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, the program to contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, with an estimate of the cost of each of the buildings and facilities referred to and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A during each year of the ensuing biennium; and

WHEREAS, the state board of regents prepared and within seven days after the convening of the Sixty-ninth General Assembly of the State of Iowa, First Session, submitted to the Sixty-ninth General Assembly, First Session, for approval

the proposed ten-year building program for each institution containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities referred to and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions; and

WHEREAS, section 262A.4 provides that the state board of regents after authorization by a constitutional majority of each house of the general assembly and approval by the governor may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out the projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out certain of the projects at this time and to finance their cost by borrowing money and issuing negotiable bonds under chapter 262A, in a total amount not to exceed fifty-eight million (58,000,000) dollars, the remaining cost of the projects to be financed by capital appropriations or by federal or other funds lawfully available; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the proposed ten-year building program' submitted by the state board of regents for each institution of higher learning under its jurisdiction, including the estimate of the maximum amount of bonds which the board expects to issue under chapter 262A, is approved as follows:

STATE BOARD OF REGENTS

PROPOSED TEN-YEAR BUILDING PROGRAM

1981-1991

State University of Iowa	\$127,112,000
Iowa State University of Science and Technology	109,219,000
University of Northern Iowa	<u>48,965,000</u>
Total ten-year program 1981-1991	\$285,296,000

BE IT FURTHER RESOLVED, That during the fiscal biennium which commences July 1, 1981, and which ends June 30, 1983, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A is fifty-eight million (58,000,000) dollars, of which thirty million (30,000,000) dollars shall be issued during the fiscal year ending June 30, 1982 and twenty-eight million (28,000,000) dollars shall be issued during the fiscal year ending June 30, 1983, and this plan of financing is approved; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized, subject to review by the joint appropriations subcommittee on education, to undertake and carry out projects involving construction of new buildings that can be completed within the limits of funds obtained from the issuance of bonds authorized during the fiscal year ending June 30, 1983 from the following list: A communications facility, an addition to the university theatre, and a law building at the State University of Iowa, a mechanical engineering building at Iowa State University, and a communication arts center at the University of Northern Iowa; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the projects by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed fifty-eight million (58,000,000) dollars:

State University of Iowa

- West campus utility improvements
- Fire safety deficiencies
- Chilled water plant--phase IV
- Handicapped accessibility program
- Sanitary and storm sewer system replacements--west campus
- Planning new buildings
- Replacement of old armory through construction of a communications facility and an addition to the university theatre
- Law building
- Energy management program
- Cost of issuance of bonds
- Iowa State University of Science and Technology
- Library addition construction and equipment
- Beating plant improvements
- Campus utility improvements
- North campus storm sewer
- Fire safety deficiencies
- Equipment and utilities for renovated quadrangle
- Gilman hall renovations
- Mechanical engineering building--construction, utilities, and equipment
- Planning old veterinary clinic conversion
- Energy management program
- Cost of issuance of bonds
- University of Northern Iowa
- Turbine generator
- Electrical system improvements

Fire safety deficiencies
Russell hall renovation
Steam distribution system improvements
communication arts center—planning and construction
Energy management program
Cost of issuance of bonds

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate Concurrent Resolution 35, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved _____, 1981

ROBERT D. RAY
Governor*

HOUSE FILE 143

AN ACT

RELATING TO THE AUTHORITY OF SCHOOL DISTRICTS TO LEVY A TAX
FOR PUBLIC EDUCATIONAL AND RECREATIONAL PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 300, Code 1981, is repealed and sections 2 through 5 of this Act are inserted in lieu thereof:

Sec. 2. NEW SECTION. PUBLIC RECREATION. Boards of directors of school districts may establish and maintain for children and adults public recreation places and playgrounds, and necessary accommodations for the recreation places and playgrounds, in the public school buildings and grounds of the district. The board may cooperate under chapter 28E with a public agency having the custody and management of public parks or public buildings and grounds, and with a private agency having custody and management of buildings or grounds open to the public, located within the school district, and may provide for the supervision and instruction necessary to carry on public educational and recreational activities in the parks, buildings, and grounds located within the district.

Sec. 3. NEW SECTION. TAX LEVY. The board of directors of a school district may, and upon receipt of a petition signed by eligible electors equal in number to at least twenty-five percent of the number of voters at the last preceding school election, shall, direct the county commissioner of elections to submit to the qualified electors of the school district the question of whether to levy a tax of not to exceed thirteen and one-half cents per thousand dollars of assessed valuation for public educational and recreational activities authorized under sections 2 through 5 of this Act. If at the time of filing the petition, it is more than three months until the next regular school election, the board of directors shall submit the question at a special election within sixty days. Otherwise, the question shall be submitted at the next regular school election.

If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify the amount required for a fiscal year to the county board of supervisors by March 15 of the preceding fiscal year. The board of supervisors shall levy the amount certified. The amount shall be placed in the schoolhouse fund of the district and shall be used only for the purposes specified in sections 2 through 5 of this Act.

Sec. 4. NEW SECTION. DISCONTINUANCE OF LEVY. Once approved at an election, the authority of the board to levy and collect the tax under section 3 of this Act shall continue until the board votes to rescind the levy and collection of the tax or the voters of the school district by majority vote order the discontinuance of the levy and collection of the tax. The tax shall be discontinued in the manner provided in this section or in the manner provided for imposition of the tax in section 3 of this Act.

Sec. 5. NEW SECTION. COMMUNITY EDUCATION. The tax levied under sections 3 and 4 of this Act may also be used for community education purposes under chapter 276.

Sec. 6. Tax levies approved by the voters under chapter 300 prior to the effective date of this Act may be used for the purposes provided in sections 1 through 5 of this Act and shall be continued until discontinued as provided in section 4 of this Act.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 143, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 155

AN ACT

TO PROVIDE FOR THE FILING OF APPLICATIONS TO CLAIM THE PERSONAL PROPERTY TAX CREDIT IN EVEN-NUMBERED YEARS WHEN PROPERTY IS REVALUED AND MAKING THE ACT RETROACTIVE TO JANUARY 1, 1981.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. section 427A.4, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Each even-numbered year, on or before July 1, the taxpayer shall deliver to the assessor ~~an~~ application for personal property tax credit and state by ~~such~~ the affidavit ~~or affidavits~~ filed in each county where ~~his~~ the taxpayer's personal property is situated, that ~~he~~ the taxpayer has not claimed a total personal property tax credit in all counties

in excess of a total of ten thousand dollars assessed valuation. A claim filed in 1980 and each succeeding even-numbered year shall be applicable for that year and the succeeding odd-numbered year.

Sec. 2. Section 427A.4, Code 1981, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In any odd-numbered year, a taxpayer who did not file an application in an even-numbered year shall deliver to the assessor an application for personal property tax credit and state by the affidavit filed in each county where the taxpayer's personal property is situated, that the taxpayer has not claimed a total personal property tax credit in all counties in excess of a total of ten thousand dollars assessed valuation.

Sec. 3. Section 428.4. Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An assessor shall not be required to contact a taxpayer in odd-numbered years for the purpose of listing personal property but each taxpayer shall be required to file a revised listing of personal property with the assessor itemizing any additions or deletions to the listing if the valuation of the taxpayer's personal property will affect the taxpayer's exemption. However, if a taxpayer fails to file a revised listing, where such filing would show an increase in valuation of the taxpayer's personal property, the taxpayer shall only be assessed the taxes and interest due on the property the taxpayer has failed to report.

Sec. 4. This Act is retroactive to January 1, 1981 and shall apply to the filing of claims for the personal property tax credit on or after January 1, 1981.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Bulletin-Journal, a newspaper published in Independence, Iowa, and

in The Grundy Register, a newspaper published in Grundy Center, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 155, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

ROUSE FILE 157

AN ACT

RELATING TO THE AUTHORITY OF SCHOOL DISTRICTS TO SELL, W S E ,
OR DISPOSE OF SCHOOL PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 297.22, unnumbered paragraphs 1 and 2 and subsections 1, 2, 3, and 4, code 1981, are amended by striking the unnumbered paragraphs and the subsections and inserting in lieu thereof the following:

The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, site, or other property belonging to the district for which the value does not exceed twenty-five thousand dollars. If the value exceeds twenty-five thousand dollars, the board shall submit the question at an election under section 278.1, subsection 2, to authorize the eale, lease or disposal.

Sec. 2. Section 297.22, unnumbered paragraph 5, Code 1981, is amended to read as follows:

The board of directors of ~~any a~~ school corporation may sell, lease, exchange, give or grant and accept any interest in real property to, with or from any county, municipal corporation, school district or township if the real property is within the jurisdiction of both the grantor and grantee. The provisions of sections 297.15 to 297.20, sections 297.23 and 297.24, and the property value ~~limitations limitation~~ and appraisal requirements of this section ~~shall do~~ not apply to any-sush ~~the~~ transaction ~~between-the-aforsaid-local-units of-government~~.

Sec. 3. Section 297.22, unnumbered paragraph 6, Code 1981, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The board of directors of a school corporation may sell, lease, or dispose of a student-constructed building and the

property on which the student-constructed building is located, and may purchase sites for the erection of additional structures, by any procedure which is adopted by the board.

Sec. 4. Section 297.22, unnumbered paragraph 7, Code 1981, is amended to read as follows:

The property value ~~limitations~~ limitation listed in this section ~~shall does not~~ apply to the sale. lease, or disposition of real estate upon which a structure has been erected by students as part of a regular course of study.

DELWYN STROMER
Speaker of the House

WIRRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 157, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

H.F. 157

HOUSE FILE 232

AN ACT

RELATING TO THE FUNDING OF SPECIFIED PROGRAMS OF THE DEPARTMENT OF SOCIAL SERVICES DURING THE FISCAL YEAR BEGINNING JULY 1, 1980 AND ENDING JUNE 30, 1981, AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 10, subsection 1, is amended to read as follows:

1. It is the intent of the general assembly that the schedule of living costs and the payment for persons on the aid to dependent children program shall be increased for all family sizes by six percent commencing October 1, 1979 and ~~by an additional six percent commencing October 1, 1980~~ and that the schedule of basic needs as provided in the Iowa administrative code 770-41.8(2) as published on June 25, 1980, shall remain in effect for the fiscal year ending June 30, 1981.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 10, subsection 3, is amended to read as follows:

3. ~~It is the intent of the general assembly in appropriating funds in section eight (8), subsection two (2) of this Act that, notwithstanding the provisions of section two hundred thirty nine point eighteen (239.18) of the Code, the department of social services shall not reduce the standards of payment referred to in subsection one (1) of this section, nor establish eligibility criteria for recipients under the aid to dependent children program which are more restrictive than the criteria required by applicable federal regulations.~~ The portion of the special needs program of the aid to dependent children program relating to property repair, tree removal, child care, personal services, special

tax assessments, and special child in foster care visits shall be ~~continued~~ eliminated effective April 1, 1981. By April 1, 1981, the department shall delete Iowa administrative code 770-41.8(2)a and implement a rule that the needs of a child in a nonparental home when the relative is not in the eligible group shall be computed on the same basis as if the child were in the home of a parent.

Sec. 3. The department of social services shall establish, effective December 1, 1980, eligibility for Title XX services as funded by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1007, according to monthly gross income and family size, at thirty percent of the federal median income established for the Title XX program under the federal Social Security Act.

Sec. 4. The department of social services may eliminate payments under the medical assistance program pursuant to chapter 249A, as funded by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, for the following services provided on or after the effective date of this Act: dental services, clinic services, medical supplies, other practitioners, optometric services, podiatric services, and chiropractic services. However, the department shall not eliminate services for persons eligible for early and periodic screening, diagnosis, and treatment. The department may modify the state plan for medical assistance in order to implement changes in services made pursuant to this section.

Sec. 5. Sections 1 and 2 of this Act are effective October 1, 1980, except that the portions of section 2 of this Act which relate to the special needs program and to Iowa administrative code 770-41.8(2)a are effective April 1, 1981.

Sec. 6. If the effective date of any provision in sections 1 through 5 of this Act precedes the effective date of this Act, the provision is retroactive to the date specified in sections 1 through 5 of this Act.

Sec. 7. Any administrative rules adopted pursuant to this Act shall be adopted under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, subparagraph (1), and shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 8. This Act, being deemed of immediate importance, takes effect from and after its publication in the Iowa Falls Citizen, a newspaper published in Iowa Falls, Iowa, and in the ~~Ames~~ Daily Tribune, a newspaper published in ~~Ames~~, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

hereby certify that this bill originated in the House and is known as House File 232, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILS 350

AN ACT

RELATING TO THE COMPUTATION OF INTEREST ON OVERPAYMENTS MADE UNDER THE INDIVIDUAL INCOME, CORPORATE INCOME AND FRANCHISE TAXES AND PROVIDING FOR ITS EFFECT UPON PUBLICATION FOR OVERPAYMENTS RESULTING FROM RETURNS DUE ON OR AFTER APRIL 30, 1981.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.16, subsection 9, Code 1981, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12 hereof, as compared to the individual income tax liability of the employee

taxpayer, nonresident, or other person properly and correctly determined under the provisions of section 422.4, to and including section 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident or other person with interest at the rate of three-fourths of one percent per month or fraction of a month, such interest to begin to accrue ~~thirty days-after~~ on the first day of the second calendar month follow — the date the return was due to be filed or was filed, whichever is the later date. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, only if such application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by means of warrants drawn by the comptroller at the direction of the director, or an authorized employee of the department, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 2. Section 422.25, subsection 3, Code 1981, is amended to read as follows:

3. If the amount of the tax as determined by the department is less than the amount paid, the excess shall be refunded with interest ~~after-thirty-days-from~~ the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the later date, at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month under the rules prescribed by the director. If an overpayment of tax results

from a net operating loss or net capital loss which is carried back to a prior year, ~~the overpayment,~~ for purposes of computing interest on refunds, shall be considered as having been made at the close of the taxable year in which the net operating loss or net capital loss occurred or ~~thirty-days from~~ on the first day of the second calendar month following the date of the actual payment of the tax, whichever is later. However, when the net operating loss or net capital loss carryback to a prior year ~~eliminates or~~ reduces an underpayment of tax due for an earlier year, the full amount of the underpayment of tax shall bear interest at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month from the due date of the tax for the earlier year to the last day of the taxable year in which the net operating loss or net capital loss occurred.

Sec. 3. Section 422.91, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Any amount of tax paid on a declaration of estimated tax shall be a credit against the amount of tax due on a final, completed return, and any overpayment of five dollars or more shall be refunded to the taxpayer with ~~interest after-thirty days-from,~~ the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the ~~later~~ latest, at the rate of three-fourths of one percent per month or fraction of a month and the return shall constitute a claim for refund for this purpose. Amounts less than five dollars shall be refunded to the taxpayer only upon written application in accordance with section 422.73, but only if the application is filed within twelve months after the due date for the return.

Sec. 4. This Act applies to overpayments resulting from returns due on or after April 30, 1981.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Sioux

County Capital, a newspaper published in Orange City, Iowa, and in The Waterloo Courier, a newspaper published in Waterloo, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 350, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 398

AN ACT

RELATING TO THE FUNDING OF THE OPERATIONS OF THE UTILITIES DIVISION OF THE IOWA STATE COMMERCE COMMISSION, AND PROVIDING FOR SEMIANNUAL REMAINDER ASSESSMENTS AGAINST PUBLIC UTILITIES, AND FOR A SUPPLEMENTAL APPROPRIATION OF TWO HUNDRED THOUSAND DOLLARS TO THE COMMERCE COMMISSION FOR THE FISCAL YEAR COMMENCING JULY 1, 1980, AND ENDING JUNE 30, 1981, FOR OPERATIONAL PURPOSES, TO BE EFFECTIVE UPON PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 476.10, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The commission shall ~~annually, within ninety days after the close of each fiscal year,~~ ascertain the total of its expenditures during each year which are reasonably attributable to the performance of its duties under this chapter and shall deduct therefrom all amounts chargeable directly to any specific utility under any law. The remainder shall be assessed by the commission to the several public utilities in proportion to their respective gross operating revenues during the last calendar year derived from intrastate public utility operations and shall be assessed within ninety days of the close of the calendar year based upon an estimate of the commission expenditures for the first half of the commission's fiscal year and again within ninety days of the close of the fiscal year as necessary to conform the amount of the assessment to the requirements of this section. The total amount which may be assessed to the public utilities under authority of this paragraph shall not exceed one-tenth of one percent of the total gross operating revenues of such public utilities during such calendar year derived from intrastate public utility operations. For public utilities exempted from rate regulation under this chapter, the assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other utilities.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 4, section 2, subsection 5, paragraph c, unnumbered paragraph 1, is amended to read as follows:
For salaries and wages for not more than eighty-one full-time equivalent positions and for support, maintenance, and other operational purposes \$ 2,092,492 ~~\$-2,099,228~~
\$ 2,299,228

Sec. 3. This Act being deemed of immediate importance, takes effect from and after its publication in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 398, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 414

AN ACT

RELATING TO FUNDS AVAILABLE TO SCHOOL DISTRICTS, INCLUDING AUTHORIZING THE LEVY OF A TAX FOR CASH RESERVE, AND THE IMPOSITION OF AN INCOME SURTAX RETROACTIVE TO JANUARY 1, 1981, AND INCLUDING THE COMPUTATION OF STATE SCHOOL FOUNDATION AID, AND PROVIDING THAT THE ACT TAKES EFFECT UPON ITS PUBLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 298, Code 1981, is amended by adding the following new section:

NEW SECTION. LEVY FOR CASH RESERVE. If a school district has a cash reserve of less than seven and five-tenths percent of its total district expenditures for a school year remaining on June 30 of that school year, including salaries encumbered under contract for the next following July and August, the board of directors may certify for levy by the following March 15, a tax on taxable property in the school district at a rate that will provide a cash reserve, pursuant to section 8.6, subsection 4, paragraph c, of not to exceed the seven and five-tenths percent amount. The tax levy authorized in this subsection is in addition to any other tax levy authorized for a school district.

Sec. 2. Section 442.3, Code 1981, is amended to read as follows:

442.3 **STATE FOUNDATION BASE.** The state foundation base for the school year beginning July 1, 1972, is seventy percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. However, for the school year years beginning July 1, 1980, July 1, 1981, and July 1, 1982, the state foundation base shall be the same

as the state foundation base for the school year beginning July 1, 1979. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 3. Section 442.4, subsection 1, unnumbered paragraph 5, Code 1981, is amended to read as follows:

A school district shall certify its basic enrollment to the department of public instruction by September 25 of each year, and the department shall promptly forward the information to the state comptroller. For purposes of determining whether a district is entitled to an advance for increasing enrollment a determination of actual enrollment shall be made on the second Friday of September in the budget year by counting the pupils in the same manner and to the same extent that they are counted in determining basic enrollment, but substituting the count in the budget year for the count in the base year. In addition, a school district shall determine its additional enrollment because of special education defined in section 442.38, on December 1 of each year and if the district is entitled to an advance or reduction for special education, it shall certify its additional enrollment because of special education to the department of public instruction by December 15 of each year, and the department shall promptly forward the information to the state comptroller.

Sec. 4. Section 442.4, subsection 4, Code 1981, is amended to read as follows:

4. For the school years beginning July 1, 1980, and July 1, 1981, and July 1, 1982 only, if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980, and one hundred three percent for the budget

school year beginning July 1, 1981, and one hundred percent for the budget school year beginning July 1, 1982, times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980 or July 1, 1981, the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July 1, 1980, ~~and~~ that one hundred three percent amount for the budget school year beginning July 1, 1981, and that one hundred percent amount for the budget school year beginning July 1, 1982.

Sec. 5. Section 442.7, Code 1981, is amended by adding the following new subsection after subsection 4:

NEW SUBSECTION. Notwithstanding subsections 1 through 4, for the school year beginning July 1, 1981, the state percent of growth, including the recomputations required under subsection 4, is five percent, and for the school year beginning July 1, 1982, the state percent of growth, including the recomputations required under subsection 4, is seven percent.

Sec. 6. Section 442.7, subsection 6, Code 1981, is amended by adding the following new paragraphs:

NEW PARAGRAPH. For the school year beginning July 1, 1981 and succeeding school years, the amount included in the district cost per pupil in weighted enrollment for special education support services costs for each district in an area education agency for a budget year is the amount included in the district cost per pupil in weighted enrollment for special education support services costs in the base year plus the allowable growth added to state cost per pupil for

special education support services costs for the budget year. Funds shall be paid to area education agencies as provided in section 442.25.

NEW PARAGRAPH. For the school year beginning July 1, 1981 and succeeding school years, the state board of public instruction may direct the state comptroller to reduce the allowable growth added to district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area.

Sec. 7. Section 442.7, Code 1981, is amended by adding the following new subsection after subsection 6:

NEW SUBSECTION. For the school year beginning July 1, 1981 and succeeding school years, the allowable growth added to state cost per pupil for special education support services costs is the amount included in state cost per pupil for special education support services costs for the base year times the state percent of growth for the budget year. However, for the school year beginning July 1, 1981, no allowable growth shall be added, except as provided under subsection 7.

Sec. 8. Section 442.25, Code 1981, is amended to read as follows:

442.25 ~~SPECIAL-EDUCATION-SUPPORT-SERVICES~~ AREA EDUCATION AGENCY PAYMENTS. The state comptroller shall deduct the amounts calculated for special education support services, media services, and educational services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for ~~this purpose~~ these purposes and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due

to the area education agency as calculated by the state comptroller, the ~~school district~~ shall pay the deficiency to the area education agency from other moneys received by the district, on a ~~quarterly~~ basis during each school year.

Sec. 9. Section 442.27, subsection 2, Code 1981, is amended to read as follows:

2. For the school year beginning July 1, 1978 and each succeeding budget year through the budget year beginning July 1, 1981, the total amount funded for each area for media services excluding the cost for media resource material shall be the total amount funded in the area for media service in the base year times the sum of one hundred percent plus the state percent of growth plus the costs for media resource material for the budget year.

~~Each year subsequent to~~ For the school year beginning July 1, ~~1980~~ 1981, the total amount to be funded for media services, including the costs for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs "a", "b", and "c", shall be equal to the budget in the base year in the area times the sum of one hundred percent plus the state percent of growth.

Sec. 10. Section 442.27, Code 1981, is amended by adding the following new subsection after subsection 3:

NEW SUBSECTION. For the school year beginning July 1, 1982 and succeeding school years, the total amount funded in each area for media services in the budget year shall be computed as provided in this subsection. For the school year beginning July 1, 1982, the total amount funded in each area for media services in the base year, including the cost for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs a, b, and c, shall be divided by the enrollment served in the base year to provide an area media services cost per pupil in the base year, and the state comptroller shall compute the state media services cost per

pupil in the base year which is equal to the average of the area media services costs per pupil in the base year. For the year beginning July 1, 1982 and succeeding school years, the state comptroller shall compute the allowable growth for media services in the budget year by multiplying the state media services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for media services cost in the budget year equals the area media services cost per pupil in the base year plus the allowable growth for media services in the budget year times the enrollment served in the budget year. Funds shall be paid to area education agencies as provided to section 442.25.

Sec. 11. Section 442.27, subsection 5, Code 1981, is amended to read as follows:

5. For each succeeding budget year through the budget year beginning July 1, 1980, the total amount funded in each area for educational services shall be the total amount funded in the area for educational services in the base year times the sum of one hundred percent plus the state percent of growth. For the school year beginning July 1, 1981, the total amount funded in each area for educational services is the total amount funded in the area for educational services in the base year.

Sec. 12. Section 442.27, Code 1981, is amended by adding the following new Subsection after subsection 5:

NEW SUBSECTION. For the school year beginning July 1, 1982 and succeeding school years, the total amount funded in each area for educational services in the budget year shall be computed as provided in this subsection. For the school year beginning July 1, 1982, the total amount funded in each area for educational services in the base year shall be divided by the enrollment served in the area in the base year to provide an area educational services cost per pupil in the base year, and the state comptroller shall compute the state educational services cost per pupil in the base year, which

is equal to the average of the area educational services costs per pupil in the base year. For the year beginning July 1, 1982 and succeeding school years, the state comptroller shall compute the allowable growth for educational services by multiplying the state educational services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for educational services for the budget year equals the area educational services cost per pupil for the base year plus the allowable growth for educational services in the budget year times the enrollment served in the area in the budget year. Funds shall be paid to area education agencies as provided in section 442.25.

Sec. 13. Section 442.27, subsection 6, Code 1981, is amended to read as follows:

6. Of For school years prior to the school year beginning July 1, 1982, of the total amounts funded in each area each year for media services and educational services, a portion shall be allocated to each district in the area. The portion to be allocated to each district in an area shall be the same percentage of the total amount that the enrollment served in the budget year in the district is of the enrollment served in the budget year in the area.

Sec. 14. Section 442.27, subsection 7, Code 1981, is amended to read as follows:

7. The For school years prior to the school year beginning July 1, 1982, the portion allocated to each district in an area each budget year for media services and educational services shall be added to the district cost of that district for the budget year as provided in section 442.9.

Sec. 15. Section 442.27, subsection 8, Code 1981, is amended to read as follows:

8. The For school years prior to the school year beginning July 1, 1982, the state board of public instruction and the state comptroller shall determine the total amounts funded in each area for media services and educational services each

year, and the amounts to be allocated to each district. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the districts' area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district the amount of state aid deducted for this purpose and the balance which will be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover the amount due to its area education agency as calculated by the state comptroller, the school district shall pay the deficiency to its area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. 16. Chapter 442, Code 1981, is amended by adding the following new section after section 442.38:

NEW SECTION. REDUCTION FOR ENROLLMENT LOSS. For the school year beginning July 1, 1981 and succeeding school years, if a school district's additional enrollment because of special education determined by the district on December 1 in the budget year is less than its additional enrollment because of special education determined by the district on December 1 in the base year, the state aid payments to the school district shall be reduced by an amount equal to its district cost per pupil for the budget year less the amount included in district cost per pupil for special education support services for the budget year multiplied by the district's decrease in additional enrollment because of special education. A district's additional enrollment because of special education shall be computed as provided in section 442.38.

If a district has a reduction under this section for a budget year, the state comptroller shall determine the amount of the reduction which would have been local property tax revenues if the additional enrollment because of special education in the budget year had been used for that budget'

year in determining district cost and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined, and shall reduce the district's tax levy computed under section 442.9, for the next following budget year by the amount necessary to compensate for the increase in state aid, so that the local property tax for the next following year will be reduced only by the amount which it would have been reduced in the budget year if the additional enrollment because of special education in the budget year could have been used to establish the levy.

Sec. 17. Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. SUPPLEMENTAL SCHOOL INCOME SURTAX.

1. For the budget school year beginning July 1, 1981, if the board of a school district wishes to spend more than the amount permitted under sections 442.1 through 442.13, the board may call a special election to determine whether to impose a supplemental school income surtax on individual state income tax for the calendar year beginning January 1, 1981. The supplemental school income surtax for the school district shall not exceed an amount equal to the difference between the portion of district cost of the district attributable to regular program costs for the school year beginning July 1, 1981 if the state percent of growth had been nine and twenty-six thousandths percent and the portion of the actual district cost of the district attributable to regular program costs for the school year beginning July 1, 1981. Any income derived from the supplemental school income surtax is miscellaneous income.
2. The board shall determine the amount needed, within the limits of this section, and shall set the date of a special election, which shall not be later than July 1, 1981. The board shall direct the county commissioner of elections to submit the question of whether to raise that amount to the qualified electors of the school district. If a majority

of those voting on the proposition at the special election favors the imposition of the supplemental school income surtax, the board may amend its certified budget to include the amount imposed.

3. Following approval at the special election, the board shall certify to the state comptroller that the required procedures have been carried out and the state comptroller shall establish the amount of supplemental school income surtax to be imposed based upon the most recent figures available for the district's individual state income tax paid. The state comptroller shall certify to the director of revenue the amount of supplemental school income surtax to be imposed.

The supplemental school income surtax shall be imposed on the state individual income tax for the calendar year beginning January 1, 1981, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section 422.5, less the deductions allowed in section 422.12.

4. Sections 442.16, 442.17, 442.19, and 442.20 apply to the supplemental school income surtax established in this section. The director of revenue shall deposit all moneys received as supplemental school income surtax to the credit of each district from which the moneys are received, in a "supplemental school income surtax fund" which is established in the office of the treasurer of state.

5. This section takes effect retroactive to January 1, 1981.

Sec. 18. Notwithstanding section 24.14, and notwithstanding the March 15 certification date in section 1 of this Act, for the school year beginning July 1, 1981, the board of directors of a school district may direct the state comptroller not later than April 15, 1981 to provide for the tax levy for the cash reserve in section 1 of this Act.

Sec. 19. This Act, being deemed of immediate importance, takes effect from and after its publication in the Lenox Time-Table, a newspaper published in Lenox, Iowa, and in The Republic Appeal, a newspaper published in Albert City, Iowa.

DELWYN STROMER

Speaker of the House

TERRY E. BRANSTAD

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 414, Sixty-ninth General Assembly.

PAT H. HARPER

Chief Clerk of the House

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ROBERT D. RAY

Governor

property being withdrawn to pay its share of the outstanding obligation of the district relating to those bonds.

HOUSE FILE 462

AN ACT

RELATING TO THE WITHDRAWAL OF LAND FROM A BENEFITED FIRE DISTRICT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 357B, Code 1981, is amended by adding the following new section:

NEW SECTION. DETACHMENT OF LAND FROM DISTRICT. The trustees of a township, after notice and a public hearing, may withdraw the township or part of the township from a benefited fire district. Notice of the time, date and place of the hearing shall be published at least two weeks before the hearing in a newspaper having general circulation within the township. The notice shall also identify the area to be withdrawn. After the hearing on the proposed withdrawal, the township trustees, by majority vote, may withdraw the township or a part of the township from the benefited fire district. If the township trustees take final action to withdraw on or before March 1 of a fiscal year, the effective date of the withdrawal is the following July 1. However, if final action to withdraw is taken after March 1, the withdrawal is not effective until July 1 of the following calendar year. If bonds issued under section 3578.4 are outstanding at the time of withdrawal, the board of supervisors shall continue to levy an annual tax against the taxable

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H.F. 462

HOUSE FILE 466

AN ACT

RELATING TO THE CREATION OF CONSERVANCY DISTRICT WARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 467D.5, subsection 1, Code 1981, is amended to read as follows:

1. The state soil conservation committee acting in its capacity as a conservancy district board may propose division of a conservancy district, currently being governed by the state soil conservation committee under subsection 1 of section 467D.4, into not less than five nor more than nine wards. Ward boundaries shall coincide with county boundaries, except that each ward shall lie entirely within the conservancy district of which it is a part. Each ward shall be composed of contiguous territory and shall be drawn with equality of population as an objective, insofar as that objective can reasonably be implemented while meeting the other requirements of this subsection. The division of a conservancy district into wards shall not become effective until it is approved by the soil conservation districts located entirely or partially within the conservancy district casting a majority of the total votes of the soil conservation districts in the conservancy district. For the purpose of this subsection each soil conservation district that is entirely within the conservancy district shall cast one vote and each soil conservation district that is partially within the conservancy district shall cast a fractional vote that is equal to the percentage of the soil conservation district's area that is in the conservancy district.

See. 2. Section 1 of this Act applies to all divisions of conservancy districts into wards occurring after the effective date of this Act.

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Governor

or warranty contracts which are subject to tax under this section.

HOUSE FILE 468

AN ACT

RELATING TO THE TAXATION OF CERTAIN OPTIONAL SERVICE OR MAINTENANCE CONTRACTS WHICH PROVIDE FOR THE FURNISHING OF LABOR AND MATERIALS FOR A FIXED PRICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.43, Code 1981, is amended by inserting after unnumbered paragraph 3 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH There is imposed a tax of three percent upon the gross receipts from the sales of optional service or warranty contracts which provide for the furnishing of labor and materials and require the furnishing of any taxable service enumerated under this section. The gross receipts are subject to tax even if some of the services furnished are not enumerated under this section. For the purpose of this division, the sale of an optional service or warranty contract is a sale of tangible personal property. No additional sales, services or use tax shall be levied on services, parts, or labor provided under optional service

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Governor

HOUSE FILE 470

AN ACT

RELATING TO THE STATUTE OF LIMITATIONS ON ASSESSMENT OF THE
INCOME AND FRANCHISE TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.25, subsection 1, Code 1981, is amended to read as follows:

1. Within three years after the return is filed or within three years after the return became due, including any extensions of time for filing, whichever time is the later, the department shall examine it and determine the correct amount of tax, and the amount ~~me~~ determined by the department shall be the ~~tax, provided that,~~ However if the taxpayer omits from income ~~such~~ an amount as will, under the Internal Revenue Code of 1954, extend the statute of limitations for assessment of federal tax to six years under ~~said Code~~ the federal law, the period for examination and determination ~~shall be is~~ six years. ~~Notwithstanding the periods~~ In addition to the applicable period of limitation for examination and determination ~~heretofore specified,~~ the department ~~shall have~~ six months to may make an examination and determination at any time within six months from the date of receipt by the department of written notice from the taxpayer of the final

disposition of any ~~matter which occurred after the expiration of the applicable period of limitation specified in this~~ section between the taxpayer and the internal revenue service with respect to the particular tax year. In order to begin the running of the ~~six months'~~ period, the notice shall be in writing in any form sufficient to inform the department of ~~such the~~ final disposition with respect to ~~such that~~ year, and a copy of the federal document showing the final disposition or final federal adjustments shall be attached to the notice. The period for examination and determination of the correct amount of tax ~~shall be is~~ unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return. In lieu of the period of limitation for any prior year for which an overpayment of tax or an elimination or reduction of an underpayment of tax due for that prior year results from the carryback to ~~such that~~ prior year of a net operating loss or net capital loss, the period ~~shall be is~~ the period of limitation for the taxable year of the net operating loss or net capital loss which results in ~~such the~~ carryback. The burden of proof of additional tax owing under the six-year period, or unlimited period, ~~shall be &~~ on the department. If ~~the~~ tax found due is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in subsection 2, and shall notify the taxpayer by certified mail of the total, which shall be computed as a sum certain if paid on or before the last day of the month in which the notice is postmarked, or on or before the last day of the following month if the notice is postmarked after the twentieth day of any month. The notice shall also inform the taxpayer of the additional interest and penalty which will be added to the total due if not paid on or before the last day of the applicable month.

Sec. 2. This Act is applicable for all tax years for which a final disposition of a taxpayer's federal income tax

liability has not been resolved prior to the effective date of this Act.

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Speaker of the House

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President of the Senate

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Governor

HOUSE FILE 472

AN ACT

RELATING TO THE CONTINUING EDUCATION REQUIREMENT OF ASSESSORS
AND DEPUTY ASSESSORS AND TO THE SELECTION OF NEW ASSESSORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 441.8, unnumbered paragraphs 5, 6, 7, and 8, Code 1981, are amended to read as follows:

The commission shall establish ~~or designate the~~, designate, or approve courses, workshops, seminars, or symposiums to be offered as part of the continuing education program, the content of ~~said these~~ these courses, workshops, seminars, or symposiums and the number of hours of classroom instruction for each ~~course~~. At least once each year the commission shall meet to evaluate the continuing education program and make necessary changes in the program.

Upon the successful completion of ~~each-course~~ courses, workshops, seminars, or symposiums contained in the program of continuing education, as demonstrated by attendance at sessions of the ~~course-and~~ courses, workshops, seminars, or symposiums and, in the case of a course designated by the commission, attaining a grade of at least seventy percent on an examination administered at the conclusion of the course, the assessor or deputy assessor shall receive credit equal to the number of hours of classroom instruction contained in ~~said-course~~ those courses, workshops, seminars, or symposiums. An assessor or deputy assessor shall not be allowed to obtain credit for a course, workshop, seminar, or symposium for which the assessor or deputy assessor has

previously received credit during his-or-her the current term ~~of-office~~ or appointment except for those courses, workshops, seminars, or symposiums designated by the commission. The examinations shall be confidential to the commission and persons designated by the commission to have access to ~~said~~ the examinations.

Upon receiving credit equal to ~~two one~~ one hundred forty five hours of classroom instruction during the assessor's current term of office of which at least ninety of the one hundred fifty hours are from courses requiring an examination upon conclusion of the course, the commission shall certify to the assessor's conference board that ~~maid~~ the assessor is eligible to be reappointed to ~~his-or-her-present~~ the position. For assessors whose present terms of office expire before six years from January 1, 1979, or who are appointed to complete an unexpired term, the number of credits required to be certified as eligible for reappointment shall be prorated according to the amount of time remaining in the present term of ~~said~~ the assessor.

Within each six-year period following January 1, 1980 or the appointment of a deputy assessor appointed after January 1, 1979, ~~maid~~ the deputy assessor shall comply with ~~the provisions-of~~ the provisions of this section except that upon the successful completion of ~~one-hundred-fifty~~ ninety hours of classroom instruction ~~maid~~ of which at least sixty of the ninety hours are from courses requiring an examination upon conclusion of the course the deputy assessor shall be certified by the commission as being eligible to remain in ~~his-or-her-present~~ the position. ~~In-the-event~~ If a deputy assessor fails to comply with ~~the-provisions-of~~ the provisions of this section, ~~maid~~ the deputy assessor shall be removed from ~~his-or-her-present~~ the position. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be credited to that individual as assessor and for the individual to be reappointed at the expiration of the term

as assessor, that individual must obtain *the* credits which
are necessary to total the number of hours for reappointment.

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Speaker of the House

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of another, or debts due the taxpayer or the employer, may be reached by garnishment.

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Speaker of the Rouse

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Governor

HOUSE FILE 504

AN ACT

RELATING TO THE ENFORCEMENT OF DISTRESS WARRANTS ISSUED BY THE DIRECTOR OF REVENUE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 626.29, Code 1981, is amended to read as follows:

626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE OR DIRECTOR OF JOB SERVICE. In the service of a distress warrant issued by the director of revenue for the collection of income tax, sales tax, motor vehicle fuel tax, freight line and equipment car tax, hotel and motel tax, or use tax or in the service of a distress warrant issued by the director of job service for the collection of employment security contributions, the property of the taxpayer or the employer in the possession

HOUSE FILE 509

AN ACT

LIMITING REFUNDS OF THE STATE INSURANCE RETALIATORY TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 505.14, Code 1981, is amended to read as follows:

505.14 FOREIGN INSURERS--RECIPROCAL PROVISIONS. When by the laws of any other state any a premium or income or other taxes, or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions are imposed upon Iowa insurance companies actually doing business in such the other state, or upon the agents of raid the Iowa companies, which in the aggregate are in excess of the aggregate of such the taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon insurance companies of such the other state under the statutes of this state, ~~so long as such laws continue in force~~ the same obligations, prohibitions or restrictions of whatever kind shall are in the same manner and for the same purpose be imposed upon insurance companies of such the other state doing business in Iowa. Insurance premium taxes paid which were not paid under protest shall not be refunded if the refund claim is based upon an alleged error or mistake of law or erroneous interpretation of statute regarding the validity or legality of this section under the laws or constitutions of the United States or this state. For the purpose of this section, an alien insurer shall-be is deemed to-be domiciled in a state designated by it wherein it has (1) established its principal office or agency in the United States, or (2) maintains the largest amount of its assets held in trust or on deposit for the security of its policyholders or

policyholders and creditors in the United states, or (3) in which it was admitted to do business in the United States. ~~The provisions of this~~ This mection shall does not apply to ad valorem taxes on real or personal property or to personal income taxes.

Sec. 2. This Act, being deemed of immediate importance, takas effect from and after its publication in The Marion Sentinel, a newspaper published in Marion, Iowa, and in The Sioux County Index-Reporter, a newspaper published in Hull, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the Rouse and is known as House File 509, Sixty-ninth General Assembly.

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ROBERT D. RAY
Governor

HOUSE FILE 724

AN ACT

TO MODIFY THE REQUIREMENT THAT BOARDS OF DIRECTORS OF DISTRICTS PROPOSING TO ISSUE GENERAL OBLIGATION BONDS FOR SCHOOL BUILDING CONSTRUCTION OR RENOVATION MUST HOLD A MEETING WITH THE AREA EDUCATION AGENCY BOARDS AND BOARDS OF ADJOINING SCHOOL DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 296.3, Code 1981, is amended to read as follows:

296.3 ELECTION CALLED. The president of the board of directors on receipt of ~~such a~~ petition under section 296.2 shall, within ten days after ~~receiving the recommendations considering the suggestions~~ of the area education agency board, or the board of a district contiguous to the district for which the petition is received, under section 297.7, subsection 3, call a meeting of the board which shall call ~~such the~~ election, fixing the time ~~thereof of the election~~, which may be at the time and place of holding the regular school election. The president shall notify the county commissioner of elections of the time of the election.

Sec. 2. Section 297.7, subsection 3, Code 1981, is amended to read as follows:

3. Before an election is held on the issuance of general obligation bonds for the construction or renovation of any a school building, immediately upon receipt of a petition filed under section 296.2, the board shall inform the board of the area education agency in which the school district is located. The ~~chairperson~~ administrator of the area education agency shall ~~call a meeting of the boards of directors of the school district proposing the issuance of general obligation bonds, send information about the~~

construction or renovation by regular mail to the boards of school districts contiguous to that the school district proposing the issuance of general obligation bonds, and to the board of the area education agency. Within twenty days following receipt of the information, the area education agency board or the board of a school district contiguous to the district making the proposal may request a meeting with the board of the district making the proposal for the purpose of discussing enrollment trends of that school district and school districts contiguous to it and solutions to the enrollment changes in the various school districts, including the possibility of school district reorganization. The meeting shall be held within ~~thirty ten~~ thirty ten days following the ~~notification of the board of the area education agency in which the school district is located~~ request for the meeting. The If the area education agency board or both the area education agency board and the board of a school district contiguous to the district making the proposal request the meeting, the chairperson of the board of the area education agency shall preside at the meeting unless the chairperson is a resident of the school district proposing the issuance of general obligation bonds. In that case, the vice chairperson shall preside at the meeting. If the board of a school district contiguous to the district making the proposal requests the meeting, a member of the area education agency board selected by the area education agency board shall preside at the meeting.

~~Immediately following discussion at the meeting, the board of directors of the area education agency shall convene to make recommendations concerning alternative solutions to the construction or renovation of the school building which shall be made to the school district proposing to issue general obligation bonds. The recommendations shall be received by the board of the school district proposing the issuance of general obligation bonds not later than three days following the date of the meeting.~~

The school district shall consider the ~~recommendations~~ of-the-board-of-the-area-education-agency suggestions made at the meeting relating to alternative solutions to the construction or renovation of the school building before setting a date for the election to authorize the issuance of general obligation bonds.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

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PAT H. HARPER
Chief Clerk of the House.

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 734

AN ACT

RELATING TO TAXES OWED TO THE STATE, AND PROVIDING FOR PENALTIES AND INTEREST FOR DELINQUENT MONTHLY WITHHOLDING TAX PAYMENTS AND ESTABLISHING THE RATE OF INTEREST PAYABLE ON DELINQUENT TAXES OWED TO THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 421, Code 1981, is amended by adding the following new section:

NEW SECTION. INTEREST RATE.

1. Except where a different rate of interest is stated in a provision of this title, the rate of interest on interest-bearing obligations arising under this title shall be the rate of interest in effect under this section.

2. The rate of interest that shall be in effect during a calendar year shall be the rate which is two percentage points less than the numerical average, rounded to the nearest one percent, of the respective prime rates for each of the months in the twelve-month period that ends September 30 of the previous calendar year. The rate of interest established by this subsection takes effect January 1, and applies to any amount which is due or becomes payable on or after that date.

3. Notwithstanding contrary provisions of subsection 2, the rate of interest that is in effect during a calendar year shall also be the rate of interest to be in effect for the following calendar year, unless the rate of interest as calculated under subsection 2 is at least one percentage point higher or lower than the rate then in effect.

4. In the event interest accrues or is calculated on a monthly basis, the rate of interest for each month shall be one-twelfth, rounded to the nearest one-tenth of one percent, of the rate specified in subsection 2.

5. As used in subsection 3, the term "prime rate" means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

6. In October of each year the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the rate of interest to be in effect on or after January 1 of the following year, as established by this section. The calculation and publication of the rate of interest by the director is exempt from chapter 17A.

Sec. 2. Section 324.64, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may, on his or her own motion at any time, abate any portion of tax, interest or penalties which is determined to be excessive in amount or erroneously or illegally assessed.

Sec. 3. Section 324.65, Code 1981, is amended to read as follows:

324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT OR PAY FUEL TAXES. If a licensee or other person fails to file a required report with the appropriate state agency on or before the due date, unless it is shown that the failure was due to reasonable cause there shall be added to the amount required to be shown as tax due on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a licensee or other person fails to remit the tax due with the filing of the return on or before the due date or fails to pay any amount of the tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent

for each additional month or fraction of a month during which the failure continues, ~~not~~ exceeding twenty-five percent in the aggregate. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths of one percent per month~~ in effect under section 1 of this Act counting each fraction of a month as an entire month, computed from the date the return was required to be filed. The appropriate state agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. However, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending person and collected a penalty of fifty percent of the tax due. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty for failure to pay the tax due or required on the return, except in the case of a deliberate attempt on the part of the licensee or other person to evade payment of fuel taxes. Any report required of licensees or persons operating under divisions I, II and III, upon which no tax may be due, shall be subject to a penalty of ten dollars if the report is not timely filed with the appropriate state agency.

Sec. 4. Section 422.16, subsection 9, code 1981, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12 ~~hereof~~, as compared to the individual income tax liability of the employee

taxpayer, nonresident, or other person properly and correctly determined under the provisions of section 422.4. to and including section 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident or other person with interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or fraction of a month, ~~such the~~ interest to begin to accrue thirty days' after the date the return was due to be filed or was filed, whichever is the later date. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, and only if ~~such the~~ application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by ~~means of~~ warrants drawn by the comptroller at the direction of the director, or an authorized employee of the department, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 5. Section 422.16, subsection 10, paragraph b, Code 1981, is amended to read as follows:

b. Any employer or withholding agent required under ~~the provisions of~~ this chapter to withhold taxes on wages or other taxable Iowa income subject to this chapter who fails to file a monthly deposit form or quarterly return for the withholding of tax with the department ~~of revenue~~ on or before the due date, unless it is shown that the failure was due to reasonable cause, ~~shall be~~ is subject to a penalty determined by adding to the amount required to be shown as tax due on the monthly deposit form or quarterly return five percent of the amount of the tax if the failure is for not more than one month,

with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person or withholding agent fails to remit the tax due with the filing of the monthly deposit form or quarterly return on or before the due date, or fails to pay any amount of any tax required to be shown on the monthly deposit form or quarterly return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a monthly deposit form or quarterly return and failure to pay the tax due or required on the monthly deposit form or quarterly return, the penalty provision for failure to file ~~shall be~~ is in lieu of the penalty provision for failure to pay the tax due or required on the monthly deposit form or quarterly return. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths-of-one-percent-per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the monthly deposit form or quarterly return was required to be filed. The penalty and interest ~~shall~~ become a part of the tax due from the withholding agent.

Sec. 6. Section 422.16, subsection 11, paragraph e, Code 1981, is amended to read as follows:

e. Any amount of tax paid on a declaration of estimated tax shall be a credit against the amount of tax found payable on a final, completed return, as provided in subsection 9 hereof, relating to the credit for the tax withheld against the tax found payable on a return properly and correctly prepared under the provisions of section 422.5, to and including section 422.25, and any overpayment of one dollar

or more shall be refunded to the taxpayer and ~~eueh~~ the return shall constitute a claim for refund for this purpose. Amounts less than one dollar shall be refunded to the taxpayer only upon written application in accordance with section 422.74, but only if ~~eueh~~ the application is filed within twelve months after the due date for the return. The method provided by the Internal Revenue Code of 1954 for determining what ~~shall~~ be is applicable to the addition to tax for underpayment of the tax payable ~~shall apply~~ applies to persons required to file declarations and make payments of estimated tax under ~~the provisions of~~ this section except the amount to be added to the tax for underpayment of estimated tax shall be an amount determined at the rate ~~of three-fourths-of-one-percent per-month in effect under section 1 of this Act.~~ This addition to tax specified for underpayment of the tax payable ~~shall~~ is not be subject to waiver provisions relating to reasonable cause. Underpayment of estimated tax shall be determined in the same manner as provided under ~~the provisions of~~ the Internal Revenue Code of 1954 and the exceptions therein ~~provided shall~~ also apply.

Sec. 7. Section 422.24, subsection 2, Code 1981, is amended to read as follows:

2. When, at the request of the taxpayer, the time for filing the return is extended, interest at the rate ~~of three-fourths-of-one-percent-per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, on the total tax due, from the time when the return was required to be filed to the time of payment, shall be added and paid.

Sec. 8. Section 422.25, subsections 2 and 3, Code 1981, are amended to read as follows:

2. In addition to the tax or additional tax ~~as~~ determined by the department under ~~the provisions of~~ subsection 1 of ~~this section,~~ the taxpayer shall pay interest on the tax or additional tax at the rate ~~of three-fourths-of-one-percent per in effect under section 1 of this Act for each~~ month

counting each fraction of a month as an entire month, computed from the date the return was required to be filed. In case of failure to file a return with the department on or before the due date +determined with regard to any extension of time for filing}, unless if is shown that the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit the tax due with the filing of the return on or before the due date, or fails to pay any amount of any tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be is in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax.

3. If the amount of the tax as determined by the department is less than the amount paid, the excess shall be refunded with interest after thirty days from the date of payment or

the date the return was due to be filed, whichever is the later at the ~~rate of three-fourths-of-one-percent-per-month~~ in effect under section 1 of this Act counting each fraction of a month as an entire month under the rules prescribed by the director. If an overpayment of tax results from a net operating loss or net capital loss which is carried back to a prior year, the overpayment, for purposes of computing interest on refunds, shall be considered as having been made at the close of the taxable year in which the net operating loss or net capital loss occurred or thirty days from the date of the actual payment of the tax, whichever is later. However, when the net operating loss or net capital loss carry back to a prior year eliminates or reduces an underpayment of tax due for an earlier year, the full amount of the underpayment of tax shall bear interest at the rate ~~of three-fourths-of-one-percent-per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month from the due date of the tax for the earlier year to the last day of the taxable year in which the net operating loss or net capital loss occurred.

Sec. 9. Section 422.28, Code 1981, is amended to read as follows:

422.28 REVISION OF TAX. A taxpayer may appeal to the director for revision of the tax, interest or penalties assessed ~~against him~~ at any time within ninety days from the date of the notice of the assessment of tax, additional tax, interest or penalties. The director shall grant a hearing and if, upon the hearing, the director ~~shall-determine~~ determines that the tax, interest or penalties are excessive or incorrect, the director shall revise them according to the law and the facts and adjust the computation of the tax, interest or penalties accordingly. The director shall notify the taxpayer by registered mail of the result of the hearing and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest or penalties found by the director to be due, with interest after sixty days from the

date of payment by the taxpayer at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or a fraction of a month. The director may, on his or her own motion at any time, abate any portion of tax, interest or penalties which he the director determines is excessive in amount, or erroneously or illegally assessed. The director shall prepare quarterly reports, which shall be included in the annual statistical reports required under section 422.75, summarizing each case in which an abatement of tax, interest or penalties was made under this section, but ~~the a~~ report shall not disclose the identity of the taxpayer.

Sec. 10. Section 422.58, subsection 1, Code 1981, is amended to read as follows:

1. If any person fails to file a permit ~~holders~~ holder's monthly tax deposit or a return with the department of revenue on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the monthly tax deposit or return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person or permit holder fails to remit at least ninety percent of the tax due with the filing of the monthly tax deposit or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that the failure was due

to reasonable cause. In case of willful failure to file a return, willful filing of a false return or willful filing of a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. ~~When~~ penalties are applicable for failure to file a monthly tax deposit or return and failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return, the penalty provision for failure to file ~~shall~~ be is in lieu of the penalty provision for failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the monthly tax deposit or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this division. Unpaid penalties and interest ~~may~~ be enforced in the same manner as the tax imposed by this division.

Sec. 11. Section 423.18, subsection 1, Code 1981, is amended to read as follows:

1. If a person fails to file a return with the department on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date, or pays less than ninety percent of any tax require4 to be shown on the return, excepting the period

between the completion of an examination of the books and records of a taxpayer, and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that the failure was due to reasonable cause. In case of willful failure to file a return, willfully filing a false return, or willfully filing a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a return and failure to pay at least ninety percent of the tax due or required on the return, the penalty provision for failure to file is in lieu of the penalty provision for failure to pay at least least ninety percent of the tax due or required on the return. The taxpayer shall also pay interest on the tax or additional tax at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this chapter.

Sec. 12. Section 435.4, Code 1981, is amended to read as follows:

435.4 PAYMENT OF TAX. The tax due shall be paid in full and shall accompany the return required to be filed by section 435.3. If payment does not accompany the return or payment is not in the amount shown due and payable on the return, the company shall be is subject to interest at the rate of ~~three-fourths of one percent per~~ in effect under section 1

of this Act for each month or fraction thereof on the balance due.

Sec. 13. Section 435.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The department shall have has three years from the time the return was filed or after the return became due, including any extensions of time for filing, whichever time is the later, to audit the return and determine its accuracy. If it is shown by the audit that additional tax is due, interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or fraction thereof shall be added to the additional tax shown to be due.

Sec. 14. Section 435.6, unnumbered paragraph 4, Code 1981, is amended to read as follows:

If it is shown that an overpayment was made, interest at the rate ~~of three-fourths of one percent per~~ in effect under section 1 of this Act for each month or fraction thereof shall be added to the overpayment with interest commencing sixty days after the date of payment.

Sec. 15. Section 450.6, Code 1981, is amended to read as follows:

450.6 ACCRUAL OF TAX—MATURITY—EXTENSION OF TIME. The tax hereby imposed ~~shall be for the use of the state, shall accrue by this chapter~~ accrues at the death of the decedent owner, and shall be paid to the department of revenue within twelve months after the death of the decedent owner except when otherwise provided in this chapter. When in the opinion of the director of revenue additional time should be granted for payment to avoid hardship, the director may extend the period to a date not exceeding ten years from the date of death of the decedent. In the case of any such extension the tax shall bear ~~six percent~~ interest at the rate in effect under section 1 of this Act from the expiration of twelve months from the date of the decedent's death.

Sec. 16. Section 450.63, subsection 1, Code 1981, is amended to read as follows:

4.4.4.

~~1. All taxes imposed by this chapter shall be payable to the department of revenue and, except when otherwise provided in this chapter, shall be paid within twelve months from the death of the testator or intestate.~~ All taxes not paid within the time prescribed in this chapter shall be are subject to a penalty as provided in subsection 2 and shall draw interest ~~at the rate of eight percent per annum~~ thereafter at the rate in effect under section 1 of this Act until paid.

Sec. 17. Section 450.94, subsection 3, Code 1981, is amended to read as follows:

3. If the amount paid is greater than the correct tax, penalty and interest due, the department shall refund the excess, with interest after sixty days from the date of payment at ~~six percent per annum~~ the rate in effect under section 1 of this Act, under the provisions of rules prescribed by the director. However, the director shall not allow a claim for refund or credit that has not been filed with the department within five years after the tax payment upon which a refund or credit is claimed became due, ~~or~~ one year after the tax payment was made, whichever time is the later. A determination by the department of the amount of tax, penalty and interest due, or the amount of refund for excess tax paid, ~~shall be~~ is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within ninety days from the postmark date of the notice of determination of tax, penalty and interest due or refund owing. The director shall grant a hearing, and upon the hearing the director shall determine the correct tax, penalty and interest ~~or~~ refund due, and notify the appellant of the decision by certified mail. The decision ~~of~~ the director ~~shall be~~ is final unless the appellant seeks judicial review of the ~~director's~~ decision under section 450.59 within sixty days after the postmark date of the notice of the ~~director's~~ decision.

Sec. 18. Section 450A.9, Code 1981, is amended to read as follows:

450A.9 DELINQUENT RETURNS. If the tax imposed by this chapter is not paid within the time prescribed by law, the tax ~~shall be deemed~~ is delinquent and shall draw interest ~~at the rate of eight percent per annum~~ thereafter at the rate in effect under section 1 of this Act until paid.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 734, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE ,740

: AN ACT

TO INCREASE THE FEE FOR A DUPLICATE REGISTRATION CARD, PLATE, OR PAIR OF PLATES AND THE FORM OF RESTRICTED CERTIFICATES OF TITLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.42, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.

If a registration card, plate, or pair of plates is lost or becomes illegible, the owner shall immediately apply for replacement. The fee for a replacement registration card shall be three dollars. The fee for a replacement plate or pair of plates shall be five dollars. When the owner has furnished information required by the department and paid the proper fee, a duplicate, substitute, or new registration card, plate, or pair of plates may be issued.

If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a certified copy of the original certificate of title. The application shall be made to the department or county treasurer who issued the original certificate of title. The application shall be signed by the owner or lienholder and accompanied by a fee of five dollars. After five days, the department or county treasurer shall issue a certified copy to the applicant at the applicant's most recent address. The certified copy shall be clearly marked "duplicate" and shall be identical to the original, including notation of liens or encumbrances. When a certified copy has been issued, the previous certificate is void. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned duplicate copy to the treasurer of the county where he or she resides. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the

vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a duplicate has been issued shall surrender the original certificate to the county treasurer or the department.

If a county treasurer mails vehicle registration documents which become lost or are damaged in transit through the United States postal service, the person to whom the documents were being sent may apply for reissuance without cost. The application shall be made with the county treasurer who originally issued the documents not less than twenty days from the date the documents were placed with the United States postal service. If the original documents are received after reissuance of duplicates, the original documents shall be surrendered to the county treasurer within five days of the time they are received.

Sec. 2. Section 321.51, subsection 4, Code 1981, is amended to read as follows:

4. Except as provided in section 321.52, the county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, the appropriate fee, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity of the application, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be coded in the manner prescribed by the department and shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION 321.51 OF THE CODE OF IOWA." A county treasurer may also issue a restricted certificate of title which is not red in color but shall have the words "RED TITLE" in bold letters and the words "RESTRICTED--CANNOT BE REGISTERED WITHOUT A VALID APPROVED CERTIFICATE OF

INSPECTION^s stamped on the face of the title in red ink. At ~~such the~~ time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the county treasurer of the county of residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle, however, if the registration fee for the vehicle has been paid for the current year, the county treasurer shall issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle upon payment of an additional registration fee of five dollars. A vehicle with a restricted certificate of title shall not have a registration plate attached to the vehicle.

Sec. 3. Section 321.52, subsection 4. unnumbered paragraph 1, Code 1981, is amended to read as follows:

A vehicle rebuilder or a motor vehicle dealer licensed under chapter 322, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title and registration receipt or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title to the county treasurer of the county of residence of the purchaser or transferee within fourteen days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. ~~The-provisions-of-this~~ This subsection ~~shall-apply~~ applies only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall ~~be-of-a-distinctive-color-and-bear-the-words~~ "SALVAGE-CERTIFICATE-OF-TITLE" bear the word "SALVAGE" stamped on the face of the title in bold letters and coded in a manner prescribed by the department. A salvage certificate of title

may be assigned to any person. Notwithstanding any other provisions in this section a vehicle on which ownership has transferred to an insurer of ~~such the~~ vehicle, as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of the vehicle, shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with ~~the-provisions-of~~ this subsection to obtain a salvage certificate of title within fourteen days after the date of assignment of the certificate of title of the vehicle. Any owner, except an insurer of vehicles, who transfers a wrecked or salvage vehicle with a fair market value less than five hundred dollars, based on the value before it became wrecked or salvage, shall comply with ~~the provisions-of~~ section 321.51.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 740, Sixty-ninth General Assembly.

PAT A. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

~~nonresident's home state or country license issued to him in his home state or country may operate a motor vehicle in this state only as an operator.~~

Sec. 2. Section 321.176, subsections 4 and 5, Code 1981, are amended by striking the subsections.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 756, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House ,
Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 756

AN ACT

RELATING TO NONRESIDENT EXEMPTIONS FROM THE STATE MOTOR VEHICLE LICENSING REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.176, subsection 3, Code 1981, is amended to read as follows:

3. A nonresident ~~who is at least sixteen years of age and who has in his immediate possession a valid operator's operating a motor vehicle within the legal scope of the~~

H.F. 756

Billboard, a newspaper published in Monona, Iowa, and in The Story City Herald, a newspaper published in Story city, Iowa.

HOUSE FILE 761

AN ACT

TO APPROPRIATE FUNDS CREDITED IN THE ACCOUNT OF THE STATE OF IOWA IN THE UNEMPLOYMENT TRUST FUND FOR THE PURCHASE OF A BUILDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The sum of seven hundred fifty thousand (750,000) dollars is appropriated out of funds made available to this state under section 903 of the federal Social Security Act. The funds appropriated shall be used, under the direction of the Iowa department of job service and subject to the approval of the executive council of the state, for the purchase of a building located at 150 Des Moines Street, Des Moines, Iowa, for use of the Iowa department of job service in the performance of its functions under chapter 96.

Sec. 2. Money appropriated under this Act shall not be obligated after June 21, 1983.

Sec. 3. The amount obligated pursuant to this Act during any twelve-month period beginning on July 1 and ending on the following June 30 shall not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the federal social Security Act during the twelve-month period and the twenty-four preceding twelve-month periods exceeds the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during those twenty-five twelve-month periods.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Honora

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 761, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 771

AN ACT

RELATING TO THE REGULATION OF PUBLIC UTILITIES AND MAKING
AN APPROPRIATION TO THE IOWA STATE COMMERCE COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTINUING AUDIT OF OPERATIONS. The commission shall adopt not later than July 1, 1983, rules and policies to implement a program for the continuous review of operations of rate-regulated public utilities with respect to all matters that affect rates or charges for utility service.

Sec. 2. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. REVIEW OF ANNUAL REPORTS. The commission shall review annual reports submitted by rate-regulated public utilities. The commission shall commence rate-review proceedings under this chapter if an annual report indicates that the earnings of the public utility are excessive.

Sec. 3. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. RULES GOVERNING HEARINGS.

1. The commission shall adopt rules pursuant to chapter 17A to provide for the completion of proceedings under section 476.3 within one hundred eighty days after the date of the filing of a complaint under section 476.3, unnumbered paragraph 2, and to provide for the completion of proceedings under section 476.6 within ten months after the date of filing of the new or changed rates, charges, schedules or regulations under that section. These rules shall include reasonable time limitations for the submission or completion of comments and testimony, and exhibits, briefs and hearings, and may provide for the granting of additional time upon the request of a party to the proceeding or commission staff for good cause shown.

2. Additional time granted to a party or to commission staff under subsection 1 shall not extend the amount of time for which a utility is required to file a bond or other undertaking conditioned upon refund under section 476.3, unnumbered paragraph 2.

3. If in a proceeding under section 476.6 additional time is granted to a party or commission staff under subsection 1, the commission may extend the ten-month period during which a utility is prohibited from placing its entire rate increase request into effect under section 476.6, but an extension shall not exceed one-half of the aggregate amount of all additional time granted under subsection 1.

4. The commission shall adopt rules that require the commission, in rate regulatory proceedings under sections 476.3 and 476.6, to consider the use of the most current test period possible in determining reasonable and just rates, subject only to the availability of existing and verifiable data respecting costs and revenues, and in addition to consider verifiable data that exists as of the date of commencement of the proceedings respecting known and measurable changes in costs not associated with a different level of revenue, and known and measurable revenues not associated with a

different level of costs, that are to occur at any time within twelve months after ~~the date~~ of commencement of the proceedings. For purposes of this subsection, a proceeding commences under section 476.6 upon the filing date of new or changed rates, charges, schedules or regulations. This subsection does not limit the authority of the commission to consider other evidence in proceedings under sections 476.3 and 476.6.

Sec. 4. Section 476.1, unnumbered paragraph 3, Code 1981, is amended to read as follows:

Mutual telephone companies in which at least fifty percent of the users are owners, co-operative telephone corporations or associations, telephone companies having less than ~~two~~ fifteen thousand stations, municipally owned utilities, and unincorporated villages which own their own distribution system ~~shall not be~~ are not subject to the rate regulation provided for in this chapter,

~~PARAGRAPH DIVIDED. provided, however, that nothing contained in this chapter shall be construed to~~ PARAGRAPH DIVIDED. This chapter does not apply to water works having less than two thousand customers, municipally owned water works, or rural water districts incorporated and organized pursuant to chapters 357A and 504A, or to a person furnishing electricity to five or fewer customers from electricity that is produced primarily for the person's own use.

~~PARAGRAPH DIVIDED. Telephone companies~~ PARAGRAPH DIVIDED. A telephone company otherwise exempt from rate regulation and having telephone exchange facilities which cross state lines may elect, in a writing, filed with the commission, to have ~~their~~ its rates regulated by the commission. When ~~such a written~~ in writing election has been filed with the commission, the commission shall assume rate regulation jurisdiction over ~~said companies~~ the company.

Sec. 5. Section 476.3, Code 1981, is amended to read as follows:

476.3 **COMPLAINTS--INVESTIGATION.** Every public utility shall furnish reasonably adequate service at rates and charges in accordance with tariffs filed with the commission. Whenever When there is filed with the commission by any person or body politic, or filed by the commission upon its own motion, a written complaint requesting the commission to determine the reasonableness of the rates, charges, schedules, service, regulations, or anything done or omitted to be done by any public utility subject to this chapter, in contravention of the provisions ~~thereof, such~~ of this chapter, the written complaint ~~thus made~~ shall be forwarded by the commission to ~~such~~ the public utility, which shall be called upon to satisfy the complaint or to answer ~~the same~~ it in writing within a reasonable time to be specified by the commission. If ~~such~~ the public utility ~~shall~~ does not satisfy the commission with respect to the complaint within the time specified and there ~~shall appear~~ appears to be any reasonable ground for investigating ~~said~~ the complaint, ~~it shall be the duty of~~ the commission shall promptly initiate a formal proceeding. ~~Such a~~ The formal proceeding may be initiated at any time by the commission on its own motion. ~~Whenever such~~ If a proceeding has been is initiated upon application or motion, the commission shall set the case for hearing and give ~~such~~ notice ~~thereof~~ as it deems appropriate. ~~Whenever~~ When the commission, after a hearing held after reasonable notice, finds any public utility's rates, charges, schedules, service, or regulations are unjust, unreasonable, discriminatory, or otherwise in violation of any provision of law, the commission shall determine just, reasonable, and nondiscriminatory rates, charges, schedules, service, or regulations to be ~~thereafter~~ observed and enforced.

If, as a result of either a review procedure conducted under section 1 of this Act or a review conducted under section 2 of this Act, a complaint is filed by commission staff alleging that a utility's rates are excessive, the disputed

amount shall be specified in the complaint. The public utility shall, within the time prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the complaint in excess of rates or charges finally determined by the commission to be lawful. If upon hearing the commission finds that the utility's rates are unlawful, the commission shall order a refund, with interest, of amounts collected after the date of filing of the complaint in excess of amounts which would have been collected under the rates finally approved, . provided that the commission shall not order a refund that is greater than the amount specified in the complaint, plus interest, and provided that if the commission fails to render a decision within one hundred eighty days following the date of filing of the complaint, the commission shall not order a refund of any excess amounts that are collected after the expiration of that one hundred eighty-day period and prior to the date the decision is rendered.

A determination of utility rates by the commission pursuant to this section that is based upon a departure from previously established regulatory principles shall apply prospectively from the date of the decision.

Sec. 6. Section 476.6, unnumbered paragraphs 4, 5 and 6, Code 1981, are amended to read as follows:

~~Whenever there is filed with the commission by any~~ At the time a public utility subject to rate regulation files with the commission any new or changed rates, charges, schedules or regulations, the commission may, prior to the effective date thereof, docket the case as a formal proceeding and set the case for hearing. The commission shall give such notice of such formal proceedings as it deems appropriate the Public utility also shall submit factual evidence, written argument, and affidavits containing testimonial evidence to be offered in support of the filing, provided that this requirement shall

not apply if the public utility is a rural electric cooperative. The public utility may, as a part of its filing or separately at any subsequent time, submit a request for authority to place part or all of the proposed rates, charges, schedules or regulations into effect on a temporary basis and until permanent rates, charges, schedules or regulations take effect under this section.

~~After the initiation of such formal proceedings and pending the final decision thereon, the commission may, at any time before they become effective, suspend the operation of such new or changed rates, charges, schedules or regulations, but not for a period longer than twelve months from the date when they would have become effective if not suspended.~~ After the filing by a public utility subject to rate regulation of new or changed rates, charges, schedules or regulations, the commission may, prior to the expiration of thirty days after the filing date, docket the case as a formal proceeding and set the case for hearing. The commission shall give such notice of formal proceedings as it deems appropriate. Unless the commission otherwise orders, the docketing of a case as a formal proceeding suspends the effective date of the new or changed rates, charges, schedules or regulations until temporary or permanent rates, charges, schedules or regulations are approved by the commission or otherwise take effect under this section.

~~However, a public utility may at any time after rates, charges, schedules or regulations have been suspended for ninety days~~ upon the request of a public utility, the commission shall, when required by this paragraph, grant the public utility temporary authority to place in effect any or all of the suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected in excess of the amounts which would have

been collected under rates, charges, schedules or regulations finally approved by the commission. In determining that portion of the new or changed rates, charges, schedules or regulations to be placed in effect prior to a final decision, the commission shall apply previously established regulatory principles and shall, at a minimum, permit rates and charges which will allow the utility the opportunity to earn a return on common stock equity equal to that which the commission held reasonable and just in the most recent rate case involving the same utility or the same type of utility service, provided that if the most recent final decision of the commission in an applicable rate case was rendered more than twelve months prior to the date of filing of the request for temporary rates, the commission shall in addition consider financial market data that is filed or that is otherwise available to the commission and shall adjust the rate of return on common stock equity that was approved in that decision upward or downward as necessary to reflect current conditions. The commission shall render a decision on a request for temporary authority within ninety days after the date of filing of the request. The decision shall be effective immediately. If the commission has not rendered a final decision with respect to suspended rates, charges, schedules or regulations upon the expiration of ten months after the filing date, plus the length of any delay that necessarily results either from the failure of the public utility to exercise due diligence in connection with the proceedings or from intervening judicial proceedings, plus the length of any extension permitted by section 3, subsection 3 of this Act, then those portions that were approved by the commission on a temporary basis shall be deemed finally approved by the commission and the utility may place them into effect on a permanent basis, and the utility also may place into effect subject to refund and until the final decision of the commission any portion of the suspended rates, charges, schedules or regulations not

previously approved on a temporary basis by filing with the commission a bond or other undertaking approved by the commission. If the commission finds that an extension of the ten-month period is necessary to permit the accumulation of necessary data with respect to the operation of a newly constructed electric generating facility that has a capacity of one hundred megawatts or more of electricity and that is proposed to be included in the rate base for the first time, the commission may extend the ten-month period up to a maximum extension of six months, but only with respect to that portion of the suspended rates, charges, schedules or regulations that are necessarily connected with the inclusion of the generating facility in the rate base. If a utility is proposing to include in its rate base for the first time a newly constructed electric generating facility that has a capacity of one hundred megawatts or more of electricity, the filing date of new or changed rates, charges, schedules or regulations shall, for purposes of computing the ninety-day and ten-month limitations stated above, be the date as determined by the commission that the new plant went into service, but only with respect to that portion of the suspended rates, charges, schedules or regulations that are necessarily connected with the inclusion of the generating facility in the rate base. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. The rate of interest shall be a reasonable rate as determined by the commission, but not less than five percent per annum, and the interest shall be compounded annually. The public utility shall not place into effect any portion of any suspended rates, charges, schedules or regulations of any subsequent rate filing relating to services with respect to which a rate filing is pending within twelve months following the date a prior application was filed or until after the date the commission has issued a final order in any previously filed rate proceedings, whichever date is

earlier, unless the public utility applies to the commission for authority and receives authority to place a portion of the subsequent filed rate filing into effect on an interim basis.

Sec. 7. Section 476.10, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Whenever the commission shall deem it necessary in order to carry out the duties imposed upon it in connection with rate regulation under section 476.6, investigations under section 476.3, or review proceedings under section 1 of this Act, the commission may employ additional temporary or permanent staff, or may contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public utility whose rates are being reviewed in the same manner as other expenses are paid under this section. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the commission to hire additional staff and contract for services under this section. The authority to hire additional temporary or permanent staff that is granted to the commission by this section shall not be subject to limitation by any administrative or executive order or decision that restricts the number of state employees or the filling of employee vacancies, and shall not be subject to limitation by any law of this state that restricts the number of state employees or the filling of employee vacancies unless that law is made applicable to this section by express reference to this section.

Sec. 8. The Iowa state commerce commission shall investigate the practice of allowing a public utility to recover advertising costs from its customers. The commission shall recommend to the general assembly not later than January 15, 1982, whether or not it is appropriate to adopt legislation

to disallow a portion of advertising costs when determining costs of operations for rate-making purposes. The Code editor shall not codify this section.

Sec. 9. Sections 5 and 6 of this Act apply to proceedings commenced under sections 476.3 or 476.6, respectively, on or after the effective date of this Act.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 771, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

XOUSE FILE 775

AN ACT

PROVIDING FOR SUCCESSORS TO THE INTEREST OF A FRANCHISEE
UPON THE DEATH OF THE FRANCHISEE UNDER A FRANCHISE
RELATING TO THE DISTRIBUTION OR RETAIL SALE OF MOTOR
FUELS AND SPECIAL FUELS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 323, code 1981, is amended by adding
the following new section:

NEW SECTION. DEATH OF FRANCHISEE--SUCCESSOR--PENALTY.

1. It is unlawful to include in any distributor franchiss
or dealer franchise agreement a term which provides for the
termination of the franchise by the franchiser upon the death
of the franchisee if the franchisee, prior to his or her
death, designates a successor-in-interest in a form prescribed
by and delivered to the franchiser. For the purposes of this
section, "successor-in-interest" is restricted to either a
surviving spouse or adult child of the franchisee who, at
the time of the franchisee's death, is able to meet reasonable
qualifications then being required of distributors or dealers
by the franchiser.

2. The successor-in-interest designated as provided in
subsection 1 shall have twenty-one days after the death of
tho franchisee to give written notice of an election to assume
and operate the franchise. The notification shall contain
such information regarding business experience and credit
worthiness as is reasonably required by the franchiser. The
successor-in-interest must offer to assume and commence
operation of the franchise within ten days after the franchiser
approves the assumption.

3. The franchise available to the successor-in-interest
pursuant to this section shall be the same as that which
existed in the name of the deceased franchisee at the time
of the franchisee's death.

4. A franchisee may designate a primary and one alternate
successor-in-interest. The alternate, if one is designated,
has no rights under this section in the event of an exercise
of rights by the primary successor-in-interest. If an
alternate desires to assume and operate the franchise in the
event the primary successor-in-interest fails to do so, the
alternate must give notice of such election and otherwise
comply with subsection 2.

5. Unless otherwise specifically provided in this section,
actions to be performed by the franchiser or by the successor-
in-interest under this section shall be performed within a
reasonable time.

6. Following the death of a franchisee, and prior to the
operation of the franchise by the successor-in-interest as
provided in this section, the executor or administrator of
the estate of the deceased franchisee may operate the
franchise.

7. If the successor-in-interest assumes the franchise,
the successor-in-interest shall account to the heirs or estate
of the deceased franchisee for the value of personal property
of the franchisee located at or related to the franchise.

8. If the successor-in-interest does not assume the
franchise, the franchiser shall account to the heirs or the
estate of the deceased franchisee for the value of branded
products purchased directly from the franchiser.

9. A franchisee or successor-in-interest may commence
a civil action to compel compliance by a franchiser with this
section, or to obtain damages caused by a failure to comply
with this section, or both, within two years after the date
the franchiser fails to comply with the requirements of this
section.

Sec. 2. This Act applies to franchise agreements executed or renewed on or after the effective date of this Act.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 775, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

Lyon County ,Reporter, a newspaper published in Rock Rapfds, Iowa.

HOUSE FILE 631

AN ACT

MAKING A SUPPLEMENTAL APPROPRIATION TO THE BOARD OF MEDICAL EXAMINERS AND THE LICENSING AND CERTIFICATION DIVISION OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR BEGINNING JULY 1, 1980, AND ENDING JUNE 30, 1981.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 3. subsection 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 14, is amended to read as follows:

1. BOARD OF MEDICAL EXAMINERS

For salaries and support of not more than seven full-time equivalent positions annually, maintenance and miscellaneous purposes\$ 198,411 \$ 205,442

8 226,422

Sec. 2. There is appropriated from the general fund of the state to the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981, twenty thousand four hundred (20,400) dollars. or so much thereof as is necessary, for the licensing and certification division.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ottumwa Courier, a newspaper published in Ottumwa, Iowa, and in The

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 831, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 837

AN ACT

TO REPEAL THE REQUIREMENT THAT A COUNTY RECORDER RETAIN A COPY OF A DECLARATION OF VALUE FOR PUBLIC INSPECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 428A.1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

At the time each deed, instrument, or writing by which any real property in this state shall be is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value shall is not be required for those instruments described in section 428A.2, subsections 2 to 13, or where any transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value such information as the director of revenue may require for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value such information as the director of revenue may require for the

production of the sales/assessment ratio study and transmit all declarations of value to the director of revenue, at such times as directed by the director of revenue. The director of revenue shall, upon receipt of the information required to be filed under the provisions of this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 172C.1. ~~The county recorder shall retain a copy of the declaration of value for the recorder's records which shall be available for public inspection.~~

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 837, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 841

AN ACT

RELATING TO TRANSACTIONS INVOLVING THE STORAGE OR SALE OF GRAIN. AND PROVIDING PENALTIES, AND PROVIDING FOR CERTAIN TEMPORARY INCREASES IN FEES TO BE EFFECTIVE UNTIL JULY 1, 1983.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 542.1, subsection 3, Code 1981, is amended to read as follows:

3. "Grain dealer" ~~shall mean any person who is engaged in the business of buying grain for resale or any merchandiser~~ means a person who buys during any calendar month five hundred bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing. However, "grain dealer" shall not be construed to mean a producer of grain buying grain for his or her own use as seed or feed; a person solely engaged in buying ~~or selling grain~~ future contracts on the board of trade, ~~grain future contracts~~; a person who purchases grain only for sale in a registered feed; a person engaged in the business of selling agricultural seeds regulated by chapter 199; a person buying ~~or selling~~ grain only as a farm manager; or an executor, administrator, trustee, guardian, or conservator of an estate; or a bargaining agent as defined in section 542A.1.

Sec. 2. Section 542.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Producer" means the owner, tenant, or operator of land in this state who has an interest in and receives all, or a part of proceeds from the sale of grain produced on that land.

Sec. 3. Section 542.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Credit-sale contract" means a contract for the sale of grain pursuant to which the sale price is to be paid more than thirty days after the delivery of the grain to the buyer, and includes but is not limited to those contracts commonly referred to as deferred payment contracts, deferred pricing contracts, and price-later contracts.

Sec. 4. Section 542.3, Code 1981, is amended to read as follows:

542.3 LICENSE REQUIRED--FINANCIAL RESPONSIBILITY.

1. A person shall not engage in the business of a grain dealer in this state without having obtained a license issued by the commission.

2. The type of license required shall be determined as follows:

a. A class 1 license is required if the grain dealer purchases any grain by credit-sale contract, or if the value of grain purchased by the grain dealer from producers during the grain dealer's previous fiscal year exceeds two hundred fifty thousand dollars. Any other grain dealer may elect to be licensed as a class 1 grain dealer.

b. A class 2 license is required for any grain dealer not holding a class 1 license. A class 2 licensee whose purchases from producers during a fiscal year exceed two hundred fifty thousand dollars in value shall apply immediately for a class 1 license. If a class 1 license is denied, the person immediately shall cease doing business as a grain dealer.

3. Each An application for a license to engage in business as a grain dealer shall be filed with the commission and shall be in a form prescribed by the commission. The application shall include the name of the applicant, its principal officers

if the applicant is a corporation or the active members of a partnership if the applicant is a partnership and the location of the **principal office** or place of business of the applicant. A separate license shall be required for each location at which ~~the records are normally kept~~ maintained for transactions of the grain dealer. The application shall also list the number of trucks or tractor trailer units that will be used in the transportation of grain purchased ~~for resale~~ under this chapter. The application shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and the net worth of the applicant. The financial statement must be prepared according to generally accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon a ~~petition~~ written request filed with the commission, the commission or a designated employee may allow asset valuations in accordance with a competent appraisal. ~~Deferred pricing~~ Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license the applicant must have and maintain a net worth of at least twenty-five thousand dollars or provide bond in addition to that required by section 542.4 in the amount of two thousand dollars for each one thousand dollars or fraction thereof

of net worth deficiency following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least fifty thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 grain dealer if the person has a net worth of less than twenty-five thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The grain dealer shall submit, as required by the commission, a financial statement that is accompanied by an un-

qualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The grain dealer may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph b, in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected twice during each twelve-month period in the manner provided in section 542.9.

c. The grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of current assets lacking to meet this minimum. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise permitted or required under this chapter.

5. In order to receive and retain a class 2 license the following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least twenty-five thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net deficiency. However, a person shall not be licensed as a class 2 grain dealer if the person has a net worth of less than ten thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The grain dealer shall submit, as required by the commission, a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant.

c. The grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of current assets lacking to meet this minimum. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise permitted or required under this chapter.

6. The commission shall adopt rules relating to the form and time of filing of financial statements. The commission may require additional information or verification with respect to the financial resources of the applicant and the applicant's ability to pay producers for grain purchased from them.

Sec. 5. Section 542.4, Code 1981, is amended to read as follows:

542.4 BOND REQUIRED. ~~Any person applying~~ An applicant for a license to operate as a grain dealer ~~in accordance with this chapter~~ shall, as a condition to the granting of the license, file with the commission a bond payable to the state of Iowa with a corporate surety approved by the commission ~~in a penal sum of twenty-five thousand dollars per license~~ conditioned that the applicant will pay the purchase price of any grain to the ~~seller, and that the grain dealer owns or controls, free of liens, any grain which he or she offers for sale~~ producer; provided that the aggregate liability of the surety to such persons shall in no event exceed the sum of such bond. The bond for each class 1 license shall be in the penal sum of fifty thousand dollars. The bond for each class 2 license shall be in the penal sum of twenty-five thousand dollars. One bond, cumulative as to minimum requirements, shall be required where a person has ~~multiple licenses more than one license,~~ but in no event shall the total amount of bond ~~required by this section exceed one hundred thousand dollars~~ three hundred thousand dollars for a class 1 licensee, or one hundred fifty thousand dollars for a class 2 licensee. No bond shall be canceled by a surety before at least sixty days' notice by certified mail to the commission and the grain dealer. The liability of the surety

shall cover ~~all~~ purchases ~~and transactions~~ made by the grain dealer during the time the bond is in force. A grain dealer's bond filed with this commission shall be in continuous force until canceled by the surety. The liability of the surety on any bond required by the provisions of this chapter shall not accumulate for each successive license period during which the bond is in force.

Sec. 6. Section 542.5, Code 1981, is amended to read as follows:

542.5 LICENSE. Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the commission, the commission shall issue a license to the applicant. The license shall terminate on the thirtieth of June of each year. A grain dealer's license may be renewed annually by the filing of a renewal fee, ~~a current financial statement~~ and a renewal application on a form prescribed by the commission. ~~An~~ application for renewal shall be received by the commission before the thirtieth of June. A grain dealer license which has terminated may be reinstated by the commission upon receipt of a proper renewal application, a ~~current financial statement,~~ the renewal fee, and penalty fee in the amount of ~~ten~~ fifty dollars from the grain dealer, provided that such materials are filed within thirty days from the date of termination of the grain dealer license. The commission may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

If an applicant has had a license under chapter 542, 542A, or 543 revoked for cause within the past three years, or has been convicted of a felony involving violations of chapter 542, 542A, or 543, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the commission may deny a license to the applicant.

Sec. 7. Section 542.6, Code 1981, is temporarily amended, commencing on the effective date of this Act and until July 1, 1983, to read as follows:

542.6 FEES. The commission shall collect ~~fees-as-follows~~ the following fees, ~~for deposit in the general fund:~~

1. For the ~~issuance or renewal~~ of a license, ~~twenty-five dollars-per-year-or-fraction-of-a-year~~ two hundred dollars per Year for a class 1 license, and ~~eighty-five dollar~~6 per year for a class 2 license. ~~The commission shall prorate the annual fee on a monthly basis for licenses issued for less than a full year.~~

2. ~~For renewal of license, twenty-five dollars-per-year.~~ For the inspection of a class 1 grain dealer, one hundred fifty dollars, but if the class 1 grain dealer is subject to a second inspection during any twelve-month period pursuant to section 542.3, subsection 4, paragraph b, the fee for the second inspection shall be seventy-five dollars; and for the inspection of a class 2 grain dealer, sixty-five dollars.

3. An annual registration fee, ~~to be determined by the commission,~~ of not less than five dollars nor more than ten fifteen dollars for each vehicle used by the license holder in the transporting of grain ~~purchased under this chapter.~~

4. A fee of ~~one dollar will be charged~~ ten dollars for issuance of each ~~duplicate replacement~~ identification plate to be used on any vehicle.

5. ~~All fees collected by the commission under this chapter shall be deposited in the general fund of the state.~~

Sec. 8. Section 542.1, Code 1981, is amended to read as follows:

542.7 POSTING OF LICENSE AND REGISTRATION. The grain dealer's license shall be posted in a conspicuous ~~place~~ location in the place of business. Each vehicle used by a license holder shall be ~~registered with the commission and~~ equipped with a special ~~decals or other registration~~ identification plate as prescribed by the commission so that the ~~decals~~ plate will be readily visible. A grain dealer's license is not transferable. The ~~registration~~ identification plate shall not be transferred from one vehicle to another, except in case of destruction or other disposition of the vehicle previously bearing the identification. All transfers

must first be approved by the commission. If ~~a registration~~ an identification plate for a vehicle becomes defaced or destroyed, ~~a duplicate shall be obtained~~ the licensee shall request a replacement from the commission, which shall be ~~issued~~ upon request and payment of the fee.

Sec. 9. Section 542.8, Code 1981, is amended to read as follows:

542.8 PAYMENT. A person licensed as a grain dealer shall pay the purchase price to the owner or his or her agent for grain upon delivery or demand of the owner or agent, but not later than thirty days after delivery by the owner or agent unless in accordance with the terms of a ~~duly executed deferred payment or deferred pricing contract~~ credit-sale contract that satisfies the requirements of this chapter. ~~The contract in addition to such other information as may be required shall contain the following:~~

1. ~~The seller's name and address.~~
2. ~~The conditions of delivery.~~
3. ~~The amount and kind of grain delivered.~~
4. ~~The price per bushel or basis of value.~~
5. ~~The date payment is to be made.~~

~~The contract must be numbered and signed by both parties and executed in duplicate. One copy shall be retained by the grain dealer and one copy shall be delivered to the seller. Upon revocation, termination, or cancellation of a grain dealer license, the payment date for all deferred payment or deferred pricing contracts shall be advanced to a date not later than thirty days after the effective date of such revocation, termination or cancellation and the purchase price for all unpriced grain shall be determined as of the effective dates of revocation, termination or cancellation in accordance with all other provisions of the contract. However, if the business of the grain dealer is sold to another licensed grain dealer, deferred payment or deferred pricing contracts may be assigned to the purchaser of the business. As used in this section, delivery "delivery" means the transfer of title to and possession of grain by the seller to the grain dealer~~

or to another person in accordance with the agreement of the seller and the grain dealer. ~~As used in this section, payment; and "payment"~~ means the actual payment or tender of payment by the grain dealer to the seller of the agreed purchase price, or in the case of disputes as to sales of grain, the undisputed portion of the purchase price without reduction for any separate claim of the grain dealer against the seller.

Sec. 10. Section 542.9, Code 1981, is amended to read as follows:

542.9 INSPECTION OF PREMISES, BOOKS AND RECORDS. The commission may inspect the premises used by any grain dealer in the conduct of his or her business at any time. ~~The, and the~~ books, accounts, records and papers of every such grain dealer which pertain to grain purchases shall be subject to inspection by the commission during ordinary business hours. The commission shall cause the business premises and books, accounts, records and papers of every grain dealer to be inspected once during each twelve-month period, provided that if a class 1 grain dealer elects to submit the unaudited financial statement under section 542.3, subsection 4, paragraph b, the commission shall cause the grain dealer to be inspected twice during each twelve-month period. The transporter of grain in transit shall have ~~in his or her possession~~ bills of lading or other documents covering such the grain ~~in transit and such documents shall be available for inspection by the commission upon request in his or her possession, and shall present them to any law enforcement officer or to a person designated as an enforcement officer under section 542.13 on demand. Any grain dealer licensed in this state who does not have a place of business within the state upon the request of the commission shall make available and furnish to the commission at any reasonable time and place the commission may set all such books, accounts, records and papers of grain transactions within this state.~~ Where there is good cause to believe that a person is engaged without a license in the business of a grain dealer in this state, the commission may inspect the books, papers, and records of ~~such~~ the person which pertain to grain purchases.

If the grain dealer does not maintain a place of business in this state, the commission is not required to inspect the business premises of the grain dealer, and the grain dealer shall submit all books, records and papers relating to grain transactions occurring within this state to the commission for purposes of an inspection required or permitted under this section at any reasonable time and place, including the offices of the commission during regular business hours, as ordered by the commission or the director of the warehouse division.

Sec. 11. Section 542.11, Code 1981, is amended to read as follows:

542.11 PENALTIES--MISDEMEANOR INJUNCTIONS. ~~Any person who engages in business as a grain dealer without obtaining a license or any person in violation of any other provision of this chapter, or any grain dealer who refuses to permit inspection of his or her premises, books, accounts or records as provided in this chapter, shall be guilty of a simple misdemeanor. Each day that any violation continues shall constitute a separate offense. Any person violating the provisions of this chapter may be restrained by an injunction.~~

1. A person who knowingly submits false information to or knowingly withholds information from the commission or any of its employees when required to be submitted or maintained under this chapter, commits a fraudulent practice.

2. A person who engages in business as a grain dealer without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records, or other documents required by this chapter, or who uses a scale ticket, or credit-sale contract that fails to satisfy requirements established by the commission commits a serious misdemeanor, except that a person who commits any of these offenses after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A violation of this chapter, or a violation of chapter 714 or 715 involving the business of a grain dealer, may be restrained by an injunction in an action brought by the commerce commission.

Sec. 12. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. CREDIT-SALE CONTRACTS.

1. A grain dealer shall not purchase grain by a credit-sale contract except as provided in this section.

2. A grain dealer shall give written notice to the commission prior to engaging in the purchase of grain by credit-sale contracts. Notice shall be on forms provided by the commission. The notice shall contain information required by the commission.

3. All credit-sale contract forms in the possession of a grain dealer shall have been permanently and consecutively numbered at the time of printing of the forms. A grain dealer shall maintain an accurate record of all credit-sale contract forms and numbers obtained by that dealer. The record shall include the disposition of each numbered form, whether by execution, destruction, or otherwise.

4. A grain dealer who purchases grain by credit-sale contracts shall maintain books, records and other documents as required by the commission to establish compliance with this section.

5. In addition to other information as may be required, a credit-sale contract shall contain or provide for all of the following:

- a. The seller's name and address.
- b. The conditions of delivery.
- c. The amount and kind of grain delivered.
- d. The price per bushel or basis of value.
- e. The date payment is to be made.
- f. The duration of the credit-sale contract, which shall not exceed twelve months from the date the contract is executed.

6. Title to all grain sold by a credit-sale contract is in the purchasing dealer as of the time the contract is executed, unless the contract provides otherwise. The contract must be signed by both parties and executed in duplicate., One copy shall be retained by the grain dealer and one copy shall be delivered to the seller. Upon revocation, termination, or cancellation of a grain dealer license, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty days after the effective date of the revocation, termination, or cancellation, and the purchase price for all unpriced grain shall be determined as of the effective date of revocation, termination, or cancellation in accordance with all other provisions of the contract. However, if the business of the grain dealer is sold to another licensed grain dealer, credit-sale contracts may be assigned to the purchaser of the business.

Sec. 13. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. CONFIDENTIALITY OF RECORDS. Notwithstanding chapter 68A, all financial statements of grain dealers under this chapter shall be kept confidential by the commission and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.
2. In actions or administrative proceedings commenced under this chapter or chapter 543.
3. When required by subpoena or court order.
4. Disclosure to law enforcement agencies in regard to the detection and prosecution of public offenses.
5. When released to a bonding company approved by the commission, or released to the United States department of agriculture or any of its divisions.

Sec. 14. Chapter 542, Code 1981, is amended by adding the following new section: .

NEW SECTION. STANDARDIZATION OF RECORDS AND DOCUMENTS.

1. The commission may adopt rules specifying the form, content and use of scale tickets, and credit-sale contracts.

All scale ticket forms ~~in the~~ possession of a grain dealer shall have been permanently and consecutively numbered at the time of printing. A grain dealer shall maintain an accurate record of all scale ticket numbers. The record shall include the disposition of each numbered form, whether issued, destroyed, or otherwise disposed of.

2. A licensed grain dealer shall keep complete and accurate records of all grain transactions. Records for the previous six years shall be made available for inspection by the commission.

Sec. 15. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. BONDED GRAIN SELLERS.

1. A producer may apply to the commission for a license to operate as a bonded grain seller. The application shall be on a form prescribed by the commission.

2. As a condition of the granting of a license under this section, the applicant shall file with the commission a bond payable to the state of Iowa with a corporate surety approved by the commission in a penal sum of twenty-five thousand dollars per license, conditioned that the grain seller owns or controls, free of liens, any grain offered for sale. Cancellation of bonds by a surety under this section shall meet the requirements of section 542.4. The liability of a surety on any bond under this section shall not accumulate for each successive license period during which the bond is in force.

3. The fee for a bonded grain seller's license shall be two hundred dollars per year. All licenses shall terminate on the thirtieth of June of each year. There shall be no financial or net worth requirements for bonded grain sellers. License fees for new licenses may be prorated by the commission on a monthly basis.

4. A producer who is licensed under this section shall not sell any grain except grain that is owned by the producer and that is produced on land owned, leased or operated by the producer, including land located outside of this state.

Violation of this subsection is grounds for revocation of the license, and the violator shall be disqualified from relicensure under this section for a period of one year after the date the revocation is effective.

5. This section does not require a person to be licensed to sell grain.

Sec. 16. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. COOPERATIVE AGREEMENTS.

1. Notwithstanding the other provisions of this chapter, the commission may enter into cooperative agreements with other states for the purpose of making available to those states the information acquired under the bonding, licensing, and examination procedures of this chapter.

2. If a cooperative agreement is in effect under this section, the bonding requirements of this chapter may be satisfied by:

a. Filing with the commission evidence of a bond on file with a state with which Iowa has a cooperative agreement as provided for by this section.

b. Such bond shall be copayable to the state of Iowa for the benefit of sellers of grain under chapter 542 in Iowa.

c. The bond shall be in an amount at least equal to the amounts required by this chapter; provided, however, that any bond required under this chapter for any financial deficiency shall be in addition to the bond posted in any other state.

Any bond required by this chapter may be made copayable to any state with whom this state has entered into contracts or agreements as authorized by this section, for the benefit of sellers of grain in that state.

Sec. 17. Chapter 542, Code 1981, is amended by adding the following new section:

NEW SECTION. SHRINKAGE ADJUSTMENTS--DISCLOSURES--PENALTIES.

1. A person who, in connection with the receipt of corn or soybeans for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture

content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The use of any rate of weight adjustment for moisture content other than the one prescribed by this subsection is a fraudulent practice. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content that is prescribed by this subsection. Failure to make this disclosure is a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. Failure to make the required disclosure is a simple misdemeanor.

3. A person who adjusts the scale weight of corn or soybeans both for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. Failure to make the required disclosure is a simple misdemeanor.

Sec. 18. Section 543.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Credit-sale contract" means a contract for the sale of grain pursuant to which the sale price is to be paid more than thirty days after the delivery of the grain to the buyer, and includes but is not limited to those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts, and price-later contracts.

Sec. 19. Section 543.2, Code 1981, is amended to read as follows:

543.2 DUTIES AND POWERS OF THE COMMISSION. The commission ~~is authorized to~~ may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products. The commission may inspect or cause to be inspected any warehouse and inspections may be made at times and for purposes as the commission determines. The commission shall cause every licensed warehouse and its contents to be inspected once in every twelve-month period, provided that if a class 1 warehouseman elects to submit the unaudited financial statement under section 543.6, subsection 4, paragraph b, the commission shall cause the warehouse to be inspected twice in every twelve-month period. The commission may require the filing of reports describing any relating to a warehouse or like its operation thereof. If upon any such inspection a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouseman's books and records according to official grain standards, the commission ~~shall have the authority to, and~~ may require an employee of the commission to remain at the licensed warehouse and supervise all operations ~~conducted thereat~~ involving agricultural products stored there under ~~the provisions of~~ this chapter until the deficiency is corrected. ~~The commission shall inspect or cause to be inspected every licensed warehouse and the contents thereof not less than once every six months and the~~ commission shall ~~have authority to~~ may make available to the United States government, or any of its agencies, including the Commodity Credit Corporation, the results of inspections made and inspection reports submitted to it by employees of the commission, upon payment to it of ~~such~~ charges as may be determined by the commission, but ~~in no event shall such the~~ charges shall not be less than the actual cost of ~~such~~ services rendered ~~in regard thereto~~, as determined by the commission. The commission ~~shall have authority to~~ may enter into contracts

and agreements for such ~~purpose~~ and shall keep a record of all money thus received. All such money shall be paid over to the treasurer of state as miscellaneous receipts. The commission may classify any warehouse in accordance with its suitability for the storage of agricultural products and shall specify in any license issued for the operation of any warehouse the type or types and the quantity of agricultural products which may be exclusively stored in ~~such~~ the warehouse. The commission may prescribe, within the limitations of this chapter, the duties of licensed warehousemen with respect to the care of and responsibility for the contents of licensed warehouses. Grain grades shall be determined under the official grain standards. The commission may from time to time publish ~~such~~ data in connection with the administration of this chapter as may be of public interest. The commission shall ~~have the duty of administration of the further provisions of~~ administer this chapter.

Sec. 20. Section 543.5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission may adopt rules specifying the form, content and use of scale tickets, warehouse receipts, settlement sheets, daily position records, shipping ledgers, and other documents used by licensed warehouses. All scale ticket forms and warehouse receipt forms in the possession of a warehouseman shall have been permanently and consecutively numbered at the time of printing. A warehouseman shall maintain an accurate record of the numbers of these documents. The record shall include the disposition of each form, whether issued, destroyed, or otherwise disposed of. The commission may by rule require this use of pre-numbered forms and recording for documents other than scale tickets and warehouse receipts.

Sec. 21. Section 543.6, Code 1981, is amended to read as follows:

543.6 **ISSUANCE OF LICENSE AND FINANCIAL RESPONSIBILITY.**

1. The commission is authorized, upon application to it, to issue to any warehouseman or to any person about to become

a warehouseman a license or licenses for the operation of a warehouse or warehouses in accordance with the provisions of this chapter and such rules as may be made by the commission under the authority of section 543.5, ~~A single license may be issued for the operation of two or more warehouses located in the same city and operated by the same warehouseman.~~ A single license to operate two or more warehouses located within a twenty-five mile radius of a central office may be ~~issued, but a separate fee shall be charged for each station.~~

2. The type of license required shall be determined as follows:

- a. A class 1 license is required if the storage capacity of a warehouse is more than one hundred thousand bushels.
- b. A class 2 license is required for a warehouse that is not rewired to have a class 1 license.

3. An application for a warehouse license shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and net worth of the applicant. The financial statement must be prepared according to normally accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon ~~petition being filed with the commission~~ written request, the commission or a designated employee may allow asset valuations in accordance with a competent appraisal. ~~Deferred pricing~~ Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license, the ~~applicant must have and maintain a net worth of at least twenty-five thousand dollars or provide bond in addition to that required by section 543.12 in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency~~ following conditions must be satisfied:

- a. The warehouseman shall have and maintain a net worth of at least fifty thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. ~~However,~~

a. Person shall not be licensed as a class 1 warehouseman if the person has a net worth of less than twenty-five thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The warehouseman shall submit, as required by the commission, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The warehouseman may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph b, in lieu of the audited financial statement specified in this paragraph, and if a warehouseman makes this election the commission shall cause the warehouseman to be inspected twice during each twelve-month period in the manner provided in section 543.2.

5. In order to receive and maintain a class 2 license, the following conditions must be satisfied:

a. The warehouseman shall have and maintain a net worth of at least twenty-five thousand dollars, or maintain a bond in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 2 warehouseman if the person has a net worth of less than ten thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The warehouseman shall submit, as required by the commission, a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant.

6. The commission may adopt rules governing the timing and form of financial statements to be submitted to it. The commission may require additional information or verification with respect to the financial resources of the applicant or licensee and the applicant's or licensee's ability to maintain the quantity and quality of stored grain.

7. If an applicant has had a license under chapter 542, 542A, or 543 revoked for cause within the past three years, or has been convicted of a felony involving violations of chapter 542, 542A, or 543, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the commission may deny a license to the applicant.

Sec. 22. Section 543.8, Code 1981, is amended to read as follows:

543.8 LICENSE TO SPECIFY TYPE AND QUANTITY OF PRODUCTS WHICH MAY BE STORED. The commission shall determine with respect to each application for a license whether the warehouse or warehouses described in the application is or are suitable for the proper and safe storage of the particular agricultural product or products intended to be stored therein in the quantities specified in the application, provided that no warehouse shall be found to be suitable and safe for the storage of bulk grain unless such warehouse is equipped with a fixed or portable mechanical device of a type in common use as an adjunct to the movement of bulk grain. Each license issued for the operation of a single warehouse shall specify the type or types and quantities of agricultural products which may be stored in such warehouse. Each license issued to a warehouseman for the operation of two or more warehouses ~~in-the-same-city~~ shall specify with respect to each warehouse the type or types and quantities of agricultural product which may be stored in such warehouse. It shall be unlawful for any licensed warehouseman to accept for storage or to store in any licensed warehouse any agricultural product or products other than the type or types and quantities specified in the license for the operation of such warehouse.

Sec. 23. Section 543.17, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Whenever the commission shall determine that a bond filed under the provisions of ~~section 543.12~~ this chapter and approved by the commission, ks, or has become, insufficient to secure the faithful performance of the obligations of the licensed warehouseman, or whenever the commission shall determine that insurance is not fully provided as required under section 543.15, it may require the licensed warehouseman to provide additional bond or bonds or additional evidence of insurance coverage so that the bond and insurance shall conform with the requirements of ~~sections 543.12, 543.13, and 543.15~~ this chapter. If ~~such~~ additional insurance is not provided within five days after receipt by the licensee of notice by certified mail the license of the warehouseman concerned shall be automatically suspended. If ~~such~~ additional insurance is not filed within another ~~twenty-five~~ ten days, the warehouse license shall be automatically revoked. If additional bond is not provided within ~~thirty~~ a period as set by the commission, but not to exceed twenty days after receiving notice, ~~by certified mail~~ the warehouse license shall be suspended. If ~~such~~ additional bond is not filed within ~~sixty ten~~ sixty ten days following suspension, the warehouse license shall be automatically revoked. When a license is so revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of such revocation. The commission shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following the ~~initial~~ revocation as herein set forth. Such notice shall be by ordinary mail sent to the last known address of each person having grain in storage as provided in this section.

Sec. 24. Section 543.17, Code 1981, is amended to read as follows:

543.17 RECEIVING BULK GRAIN AT LICENSED AND UNLICENSED WAREHOUSES.

1. Any grain which has been received at any licensed warehouse for which the actual sale price is not fixed and proper documentation made or payment made shall be construed to be grain held for storage within the meaning of this chapter. Grain may be held in open storage or placed on warehouse receipt. ~~Actual payment shall be made on all priced grain within thirty days unless a deferred payment or deferred pricing contract has been executed.~~ Warehouse receipts shall be issued for all grain held in open storage, within six months of delivery to the warehouse, unless the depositor has signed a statement that the depositor does not desire a warehouse receipt. The warehouseman's tariff shall apply for any grain that is retained in open storage or under warehouse receipt.

~~2.~~ Bulk grain deposited with a licensed warehouseman for processing, cleaning, drying, shipping for the account of the depositor or any other purpose shall be removed within thirty days or such grain shall be determined as stored grain and the warehouseman's tariff charges shall apply.

~~3.~~ Grain received on a scale ticket which fails to have the price fixed and properly documented on the records of the warehouseman shall be construed to be in open storage.

~~4.~~ All grain whether open storage or having been placed on warehouse receipt shall be covered by the warehouseman's bond as required under the provisions of this chapter.

~~2.--Notwithstanding any provisions of this section, a written agreement may be made between the seller and the licensed warehouseman for any bulk grain delivered to or stored at a licensed warehouse that payment or pricing and payment will be deferred to a later date.--Such agreement shall contain a statement informing the seller that the warehouseman shall not be required to carry insurance or bond on such grain for the benefit of the seller and that the payment for such grain becomes a common claim against the warehouseman.~~

~~The agreement in addition to such other information as may be required shall contain the following:~~

~~a. The seller's or depositor's name and address.~~

~~b. The conditions of delivery.~~

~~c. The amount and kind of grain delivered.~~

~~d. The price per bushel or basis of value.~~

~~e. The date payment is to be made.~~

~~Such agreement must be numbered and signed by both parties and executed in duplicate. One copy shall be retained by the warehouseman and one copy shall be delivered to the seller.~~

~~Grain received or purchased in storage under a deferred payment or deferred pricing contract under the provisions of this section shall be deemed to be warehouse-owned grain.~~

5. Any grain which has been received at any unlicensed warehouse and for which the actual sale price has not been fixed and payment made within thirty days from receipt of the grain, unless covered by ~~deferred payment or deferred pricing~~ a credit-sale contract, shall be construed to be unlawful storage within the meaning of this chapter. Bulk grain received at any unlicensed warehouse for any other purpose must either be returned to the depositor or disposed of by order of the depositor within thirty days from date of actual deposit of the bulk grain.

6. If the depositor of bulk grain in an unlicensed warehouse fails to sell the grain or orders other disposition of the grain, the warehouseman may purchase the grain, if otherwise allowed by law, on the thirtieth day after deposit at not less than the local market price at the close of business on the thirtieth day or return the grain to the depositor by the thirtieth day.

3. 7. Every licensed warehouseman shall, on or before July 1 of each year, send a statement for each holder of a warehouse receipt covering grain held for more than one year at that warehouse to his or her last known address. The statement shall show the amount of all grain held pursuant to warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed

warehouseman against that grain. However, a licensed warehouseman need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouseman prepares such statements monthly, quarterly or for any other period more frequent than annually. Failure to prepare a statement required by this subsection ~~shall be punishable by a civil fine not to exceed one hundred dollars~~ is a simple misdemeanor. Violation of this section shall not constitute grounds for suspension, revocation, or modification of the license of anyone licensed under this chapter.

Sec. 25. Section 543.18, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The original copy of every warehouse receipt shall be imprinted with the signature of the secretary of the commerce commission prior to issuance.

Sec. 26. Chapter 543, Code 1981, is temporarily amended commencing on the effective date of this Act and until July 1, 1983, by adding the following temporary new section:

TEMPORARY NEW SECTION. FEES. The commission shall charge the following fees:

1. For the issuance or renewal of a license, a fee determined as follows:

a. With respect to a warehouse license for the storage of bulk grain:

(1) If the total storage capacity is one hundred thousand bushels or less, a fee of thirty dollars.

(2) If the total storage capacity is greater than one hundred thousand bushels but not more than five hundred thousand bushels, a fee of fifty dollars.

(3) If the total storage capacity exceeds five hundred thousand bushels, a fee of one hundred dollars.

b. With respect to a warehouse license for the storage of products other than bulk grain:

(1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of thirty dollars.

(2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of fifty dollars.

(3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of one hundred dollars.

2. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty-five dollars.

3. For each amendment of a license, a fee of ten dollars.

4. For each amendment of a tariff, a fee of ten dollars.

5. For the cost of maintaining an employee of the commission at a warehouse to supervise the correction of a deficiency, a fee of one hundred fifty dollars per day.

All fees received by the commission shall be paid to the treasurer of state for deposit in the state general fund. License fees for new licenses shall be prorated by the commission on a monthly basis.

This section supersedes section 543.33, commencing on the effective date of this Act and until July 1, 1983.

Sec. 27. Section 543.36, Code 1981, is amended to read as follows:

543.36 PENALTIES--MISDEMEANOR INJUNCTION. Every person who violates or fails to comply with any of the provisions of this chapter or to comply with any lawfully authorized order, direction, demand, or rule or regulation of the commission shall be guilty of a simple misdemeanor.

1. A person who knowingly withholds information from or knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter commits a fraudulent practice.

2. A person who engages in business as a warehouseman without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, or who uses a scale ticket, warehouse receipt or other document which fails to satisfy requirements established by the commission commits a serious misdemeanor, except that a person who commits any of these offenses after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A violation of this chapter, or a violation of chapter 714 or 715 involving the business of a warehouseman, may be restrained by injunction in an action brought by the commerce commission.

Sec. 28. Section 543.37, Code 1981, is amended to read as follows:

543.37 FAILURE TO PAY FEE. Failure to pay the annual fee provided for in section 543.33 on or before the date the same shall become due June 30 of the year for which due shall cause a license to terminate. ~~The annual fee shall become due on June 30 each year.~~ A warehouse license which has terminated may be reinstated by the commission upon receipt of a proper renewal application, ~~current financial statement,~~ the renewal fee, and a penalty fee in the amount of ~~ten~~ twenty-five dollars ~~from the warehouse,~~ if same are filed within thirty days from the date of termination of the warehouse license. The commission may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

Sec. 29. Chapter 543, Code 1981, is amended by adding the following new section:

NEW SECTION. WAREHOUSEMAN'S OBLIGATION. A warehouseman shall maintain at all times sufficient quantity and quality of grain or other agricultural products to cover the warehouseman's obligation. A warehouseman shall not at any time have less grain or other agricultural products in the warehouse than the obligations to depositors.

Sec. 30. Chapter 543, Code 1981, is amended by adding the following new section:

NEW SECTION. CONFIDENTIALITY OF RECORDS. Notwithstanding the provisions of chapter 68A, all financial statements of warehousemen under this chapter shall be kept confidential

by the commission and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.
2. In actions or administrative proceedings commenced under this chapter or chapter 542.
3. When required by subpoena or other court orders.
4. Disclosure to law enforcement agencies in regards to the detection and prosecution of public offenses.
5. Where released to a bonding company approved by the commission or to the United States department of agriculture or any of their divisions.

Sec. 31. Chapter 543, Code 1981, is amended by adding the following new section:

NEW SECTION. SHRINKAGE ADJUSTMENTS--DISCLOSURES--PENALTIES.

1. A person who, in connection with the receipt of corn or soybeans for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The use of any rate of weight adjustment for moisture content other than the one prescribed by this subsection is a fraudulent practice. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content that is prescribed by this subsection. Failure to make this disclosure is a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. Failure to make the required disclosure is a simple misdemeanor.

3. A person who adjusts the scale weight of corn or soybeans both for moisture content and for handling, processing,

or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. Failure to make the required disclosure is a simple misdemeanor.

Sec. 32. It is the intent of the general assembly that sections 7 and 26 of this Act shall have temporary effect only, and that sections 542.6 and 543.33, Code 1981, as they existed prior to amendment by this Act shall be the law of this state on and after July 1, 1983.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 841, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor ,

HOUSE FILE 842

AN ACT

TO PROVIDE FOR INCREASING THE MAXIMUM PERMISSIBLE ASSESSMENT FOR THE IOWA BEEF EXCISE TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 181.12, Code 1981, is amended to read as follows:

181.12 REMISSION OF TAX ON APPLICATION. ~~Any~~ A person from whom the excise tax ~~herein~~ is collected may, by written application filed with the executive committee within sixty days after its collection ~~from him~~, have ~~said~~ the amount remitted to ~~him~~ the person by the executive committee. The information that the excise tax is refundable and the address of the executive committee to which application for a refund may be made shall appear on the invoice of sale form supplied by the purchaser to the producer near the area on the form which shows ~~the~~ amount of the excise tax paid. The executive

committee shall furnish uniform application for refund forms and envelopes properly addressed to the executive committee to each purchaser charged by this chapter with remitting the excise tax in sufficient number to make ~~said~~ the refund forms and envelopes readily available to all producers. A purchaser charged by ~~this~~ chapter with remitting the excise tax shall display ~~said~~ the application for refund forms and envelopes in a prominent position in its place of business and make ~~the same~~ them readily available to all producers.

Sec. 2. Section 181.19, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The secretary shall, upon the petition of five hundred producers, conduct an initial referendum to determine whether an excise tax shall be collected, at a rate established by the executive committee, of ~~twenty-five~~ not to exceed fifty cents per head on all beef cattle sold for slaughter and ~~five~~ not to exceed thirty-five cents per head on all veal calves sold for slaughter? and ~~ten-cents-per-head~~ on all sales of beef cattle for any other ~~purpose, shall be collected.~~

Sec. 3. Chapter 181, Code 1981, is amended by adding the following new section:

NEW SECTION. At any time prior to expiration of the four-year excise tax which commenced December 1, 1978, and upon the petition of five hundred producers, the secretary shall call a special referendum on the question whether an excise tax above the statutory maximums in effect prior to July 1, 1981 shall be collected. The special referendum shall be conducted as provided in this chapter for referendum elections. It shall be conducted in lieu of and shall take the place of the regular four-year extension referendum specified in sections 181.14 and 181.15. If the special referendum is successful, the excise tax provided for in the referendum shall be levied and imposed within ninety days for four years, and the excise tax in existence shall terminate. If the special referendum is Unsuccessful, the provisions of section

181.15, fourth unnumbered paragraph, shall apply. This section is repealed effective December 1, 1982.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 842, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 847

AN ACT

RELATING TO ~~AND MAKING~~ APPROPRIATIONS TO VARIOUS EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS AND AGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 3, 1981 and ending June 30, 1983 to the following named agencies, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. OFFICE OF THE STATE APPELLATE DEFENDER

For deposit in the appellate defender operating account..... \$ 100,000 \$

Funds appropriated by this subsection to the office of the appellate defender are appropriated only if the office of the appellate defender is in existence for the fiscal year beginning July 1, 1981 and ending June 30, 1982.

2. IOWA STATE ARTS COUNCIL

For salaries, support, maintenance, and miscellaneous purposes including funds to match federal grants..... \$ 291,113 \$ 305,150

3. DEPARTMENT OF JUSTICE

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes.. \$ 2,191,472 6 2,298,361

b. Prosecuting attorney training program

For salaries, support, maintenance and miscellaneous pur-

poses which funds shall be used to attract federal and county funding..... \$ 59,058 \$ 62,164

c. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this paragraph. \$ 52,500 \$ 52,500

d. If legislation creating a criminal justice improvement fund becomes law the appropriations in paragraph a of this subsection to the general office of attorney general are reduced for the fiscal year beginning July 1, 1981 by twenty-three thousand three hundred fifty (23,350) dollars and for the fiscal year beginning July 1, 1982 by twenty-five thousand seven hundred (25,700) dollars. If legislation creating a criminal justice fund becomes law the appropriations in paragraphs b and c of this subsection for the prosecuting attorney training program and for the prosecuting intern program for the fiscal biennium beginning July 1, 1981 are void.

4. CAPITOL PLANNING COMMISSION

For per diem of forty dollars per day and expenses of the members in carrying out their duties under chapter 18A,..... \$ 3,500 \$ 3,500

It is the intent of the general assembly that all plans for construction or renovation of property within the capitol complex shall be submitted to the capitol planning commission before the construction or renovation is begun.

5. OFFICE OF CITIZENS' AIDE

For salaries, support, maintenance, and miscellaneous purposes \$ 203,502 \$ 213,315

H.F. 847

6. COUNCIL ON STATE GOVERNMENTS

For support of the membership assessment..... \$ 41,200 \$ 44,600

7. EXECUTIVE COUNCIL

For salaries, support, maintenance, and miscellaneous purposes..... \$ 54,361 \$ 56,982

See. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following named agency, the following amounts, or \$0 much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. DEPARTMENT OF GENERAL SERVICES

a. GENERAL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes..... \$ 4,187,717 \$ 4,396,798

Jurisdiction over the statehouse tour guides is transferred to the legislative council.

b. UTILITY COSTS

For payment of utility costs..... \$ 2,098,375 \$ 2,098,375

2. DEPARTMENT OF GENERAL SERVICES--REVOLVING FUNDS

a. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, and miscellaneous purposes..... \$ 557,321 \$ 584,194

b. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper

stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal years beginning July 1, 1981 and July 1, 1982 which are legally payable from this fund.

c. From the general service revolving fund established by section 18.9 for salaries, support, maintenance, and miscellaneous purposes..... \$ 372,525 \$ 390,487

d. The remainder of the general service revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal years beginning July 1, 1981 and July 1, 1982 which are legally payable from this fund.

e. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, and miscellaneous purposes..... \$ 384,434 \$ 402,971

f. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, oil,

tires, repairs and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal years beginning July 1, 1981 and July 1, 1982 which are legally payable from this fund.

Sec. 3. There is appropriated from the general fund of the state to the office of the governor for each fiscal year of the fiscal biennium commencing July 1, 1981 and ending June 30, 1983, the following amount or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous purposes of the general office of the governor.....	\$ 572,859	\$ 598,470
2. For the governor's expenses connected with office.....	\$ 5,724	\$ 6,000
3. For salaries, support, maintenance, and miscellaneous purposes of Terrace Bill.....	\$ 176,160	\$ 184,594
4. For the payment of expenses of ad hoc committees, councils and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical and administrative staff and the payment of per diem, not exceeding		

forty dollars, and actual expenses of committee, council or task force members..... \$ 25,000 \$ 25,000

5. For salaries, support, maintenance, and miscellaneous purposes of the office of the administrative rules coordinator... \$ 60,039 \$ 62,934

Sec. 4. There is appropriated from the general fund of the state to the office of the lieutenant governor for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes including the lieutenant governor's compensation and expenses as provided in subsection 2 of section 2.10 including service as a member of the legislative council and for per diem and expenses incurred while performing duties of the lieutenant governor when the general assembly is not in session... ..	\$ 85,971	\$ 90,116

Sec. 5. There is appropriated from the general fund of the state to the Iowa state historical department for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the division of the state historical society for salaries, support, maintenance,		

and miscellaneous purposes.....	\$	410,669	\$	421,078
2. For the division of historic preservation for salaries, support, maintenance, and miscellaneous purposes.....				
	\$	171,746	\$	179,865
3. For the division of historic museum and archives for salaries, support, maintenance, and miscellaneous purposes.....				
	\$	478,729	\$	501,812
4. For the state historical board for per diem and expenses.....				
	\$	13,500	\$	13,565
5. For distribution to the Herbert Hoover memorial birthplace.....				
	\$	500	\$	500

Sec. 6. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 to the following named judicial department agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. COURTS		
For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates, and staff, maintenance, equipment, and miscellaneous purposes.....		
	\$ 9,538,365	\$ 9,541,641

If legislation creating a criminal justice improvement fund becomes law the amounts appropriated by this subsection for salaries of supreme court justices, other judges and staff are reduced for the fiscal year beginning July 1, 1981 by sixty-nine thousand six hundred ninety-five (69,695) dollars and for the fiscal year beginning July 1, 1982 by seventy-

eight thousand nine hundred seventy-one (78,971) dollars.

2. BOARDS AND COMMISSION--
JUDICIAL DEPARTMENT

For salaries, support, maintenance, and miscellaneous purposes of the board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission.....

	\$ 53,712	\$ 54,125
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3. ADMINISTRATION

For salaries, support, maintenance, equipment, and miscellaneous purposes of the court administrator, and clerk of the supreme court....

	\$ 589,956	\$ 590,366
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Sec. 7. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, except as otherwise provided, to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BUREAU OF LABOR		
For salaries, support, maintenance, and miscellaneous purposes.....		
	\$ 1,214,659	\$ 1,273,035
2. LEGISLATIVE FISCAL BUREAU		
For salaries, support, maintenance, and miscellaneous purposes.....		
	\$ 448,970	\$ 479,894
3. LEGISLATIVE SERVICE BUREAU		
a. For salaries, support, maintenance, and miscellaneous purposes.....		
	\$ 771,296	\$ 808,487

b. for drafting, research, and Code data processing programs and services..... \$ 14,310 \$ 15,000

The legislative council shall allocate staff under its jurisdiction, and may cooperate with other agencies. In order to insure that the Code and a supplement providing for an annual update of the Code is published in a timely manner. The superintendent of printing shall cooperate with the legislative council and any additional costs incurred shall be recovered through the sale of the supplements and the Code.

4. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment..... \$ 45,000 \$ 45,000

5. IOWA LIBRARY DEPARTMENT

a. For the state library for salaries, support, maintenance, and miscellaneous purposes..... 6 724,047 \$ 758,568

b. For the regional library system for state aid..... \$ 983,390 \$ 1,030,808

6. IOWA MERIT EMPLOYMENT DEPARTMENT

For the general office for salaries, maintenance, and miscellaneous purposes..... \$ 1,176,346 \$ 1,158,526

7. PIONEER LAWMAKERS..... \$ 250 8 750

8. OFFICE FOR PLANNING AND PROGRAMMING

a. For salaries, support, maintenance, and miscellaneous purposes..... \$ 871,486 8

b. For Funds to match federal supplemental EDA discretionary funds..... \$ 30,000 \$

Unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund until

June 30, 1985, notwithstanding other provisions of this section or section 8.33.

It is a condition of this appropriation that each economic development administration grant and approval of the grant be coordinated with the Iowa development commission before final grant approval is made.

c. For the governor's youth opportunity program..... \$ 715,500 \$

d. For funds for salaries, support, maintenance, and miscellaneous purposes required to match federal funds for planning and administration of the federal Highway Safety Act..... \$ 69,446 \$

e. For the juvenile victim restitution program pursuant to section 7A.10..... \$ 100,000 8

9. IOWA ACADEMY OF SCIENCE

For support and maintenance..... \$ 4,293 \$ 4,500

10. COMMISSION ON UNIFORM

STATE LAWS

For support of the commission and expenses of members..... \$ 8,395 \$ 0.800

Sec. 8. Section 18.12, subsection 9, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When the general assembly is not in session, the director of general services may request funds from the executive council for moving state agencies located at the seat of government from one location to another. The request may include moving costs, telephone costs, repair coats, or any other costs relating to the move. The executive council may approve and shall pay the costs from funds provided in section 19.29 if it determines the agency or department has no available funds for these expenses.

Sec. 9. Section 18.75, subsection 9, Code 1981, is amended by striking the subsection.

M.F. 847

Sec. 10. Section 91.8, Code 1981, is amended to read as follows:

91.8 TRAVELING EXPENSES--LIMITATION. The commissioner, inspectors and other employees of the office shall be allowed their necessary traveling expenses while in the discharge of their duties. ~~Such expense in the aggregate, exclusive of salaries, shall not exceed the sum of four thousand dollars per annum.~~

Sec. 11. Section 303.9, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

303.9 FUNDS RECEIVED BY STATE HISTORICAL DEPARTMENT. All funds received by the state historical department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the state historical department and are appropriated to the state historical department to be invested or used for programs and purposes under the authority of the state historical board.

Sec. 12. Section 602.55, subsection 1, Code 1981, is amended to read as follows:

1. ~~Two-thirds~~ One-half to the treasurer of state to be credited to the general fund of the state.

Sec. 13. Section 602.55, Code 1981, is amended by adding the following new subsection after subsection 2:

NEW SUBSECTION. 3. ~~One-sixth~~ to the treasurer of state to be credited to the judicial retirement fund created in section 605A.4.

Sec. 14. Chapter 602, Code 1981, is amended by adding the following temporary new section:

TEMPORARY NEW SECTION. NUMBER OF DISTRICT ASSOCIATE JUDGES LIMITED. Notwithstanding any contrary provision of this chapter, the number of district associate judges, including those appointed pursuant to section 602.59, shall not exceed thirty-nine during the period beginning on the effective date of this Act and ending as provided by the general assembly.

Sec. 15. Section 606.15, subsection 1, Code 1981, is amended to read as follows:

1. For filing any petition, appeal, or writ of error and docketing the same, eight dollars. Four dollars of such fee shall remain in the county treasury for the use of the county, and four dollars of such fee shall be paid into the state treasury ~~and deposited in the general fund of the state.~~ One dollar of the fee paid into the state treasury shall be deposited in the judicial retirement fund created in section 605h.4 to be used to pay retirement benefits of the judicial retirement system. The remainder of the fee shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13.

Sec. 16. The program evaluation division of the legislative fiscal bureau shall conduct an evaluation of the structure, administration and funding of the office for planning and programming to determine all of the following:

1. Whether there is a continuing need for the agency.
2. Whether the agency is administered efficiently, effectively, and economically.
3. Whether the functions of the agency can be administered efficiently, effectively, or economically by other state agencies or levels of government.

Sec. 17. The legislative council is directed to establish a joint interim subcommittee composed of members of the state departments appropriation subcommittees and the standing committees on state government to examine the functions, operations, and needs of the merit employment department including the feasibility of combining the responsibilities of the department with an existing state agency such as the employment relations division of the state comptrollers office or the department of job service. The subcommittee shall submit a report of its findings including legislative recommendations to the legislative council and the general assembly meeting in 1982.

Sec. 18. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants and receipts.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 847, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 849

AN ACT

RELATING TO THE ADMINISTRATION AND FINANCING OF CORRECTIONAL AND MENTAL HEALTH PROGRAMS UNDER THE JURISDICTION OF THE DEPARTMENT OF SOCIAL SERVICES FOR THE FISCAL PERIOD BEGINNING JULY 1, 1981, AND ENDING JUNE 30, 1983, RELATING TO CAPITAL IMPROVEMENTS AND EXPENDITURES FOR DESIGNATED INSTITUTIONS UNDER THE DEPARTMENT OF SOCIAL SERVICES, CREATING A TEMPORARY ADVISORY COMMISSION ON APPROPRIATE USES FOR THE WOMEN'S CORRECTIONAL AND JUVENILE STATE INSTITUTIONS, AND RELATING TO THE CLOSING OF CERTAIN JUVENILE AND CORRECTIONAL INSTITUTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1.

1. To obtain independent and expert advice from qualified persons chosen by the judicial, executive, and legislative branches of government, there is created as a temporary body the advisory commission on the appropriate uses for the women's correctional and juvenile state institutions. Two members of the commission shall be appointed by the chief justice of the Iowa supreme court, two by the governor, and two by the legislative council. Appointments shall be made within thirty days of the effective date of this Act. The members of the commission who are not state employees shall be entitled to receive forty dollars per diem for each day devoted to their duties as commission members. All members shall receive reimbursement for expenses actually and necessarily incurred in discharge of their duties. Staff assistance shall be provided to the commission by the legislative fiscal bureau.

2. The commission shall make interim progress reports as the legislative council may request, and shall submit a

final report not later than January 15, 1982. The final report shall include, but need not be limited to, recommendations concerning:

a. Future uses of the campus currently operated by the state as a women's reformatory. The report shall include an analysis of any alternative uses of the facility that might help meet area human resource needs; the legal, programmatic, security, and capital renovation considerations involved in maintaining the facility as a women's reformatory; and the community's needs and programmatic concerns if the facility is converted for use as a reformatory for low-risk adult male offenders. The report shall include an analysis of alternative sites upon which the women's reformatory might be located, and the relative advantages and disadvantages such sites would have to the present site at Rockwell City.

b. Future uses of the campus currently operated as a state training school at Mitchellville. The report shall include an analysis of any sewerage, security force, or other community resource needs that might exist as a result of the facility's use as a corrections facility for either men or women offenders, and of the possible disposition by the state of the land owned by the state immediately around the grounds of the Mitchellville campus.

c. Future uses of and programs for the facility operated for juveniles at Toledo. The report shall include an analysis of legal, financial, and programmatic concerns involved with maintaining the facility with both children adjudicated to be children in need of assistance and children adjudicated to have committed delinquent acts and of the need of or desirability for maintaining a state institution for children adjudicated to be children in need of assistance.

3. The commission shall spend at least one meeting day at each of the three institutional sites referred to in subsection two (2) of this section, which shall include discussions with local community leaders and the public. The commission shall also provide the opportunity for public

comment through at least one general public hearing held at the state capitol. To insure that the general assembly is knowledgeable of the Commission's work and of the background of the report submitted by it, the joint corrections and mental health appropriations subcommittee shall meet periodically with the Commission. No more than three such meetings shall be held during the interval between adjournment of the 1981 session and the convening of the 1982 session of the general assembly. The joint corrections and mental health appropriations subcommittee shall not modify or alter the report required to be made by the Commission by subsection two (2) of this section.

4. There is appropriated from the general fund of the state to the legislative council for the fiscal year beginning July 1, 1981 to be used for the per diem and expenses of members of the advisory commission on women's correctional and juvenile state institutions and for other expenses incidental for the study, the sum of ten thousand (10,000) dollars or so much thereof as may be necessary. The legislative council may expend other funds available to it to carry out this Act. The commission is abolished March 1, 1982.

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services. the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the operation of the training schools for delinquent juveniles and the Iowa juvenile home at Toledo, including salaries and support, maintenance, and miscellaneous purposes.....	\$ 7,000,000	\$ 7,000,000

The Mitchellville training school shall be closed no later than June 1, 1982 and its female juvenile population shall be transferred to the Iowa juvenile home at Toledo. Notwithstanding any provision of the Code to the contrary, both children in need of assistance and juveniles adjudicated to have committed a delinquent act may be placed at the Iowa juvenile home at Toledo. That portion of the juvenile home housing delinquent juveniles shall be considered a second campus of the Eldora training school. Chapter 242 applies to that portion of the juvenile home and the delinquent juveniles housed in that portion. Chapter 244 applies to children in need of assistance placed at the juvenile home and the portion of the juvenile home housing those children.

2. For the purposes of providing community-based services for children in need of assistance.....	\$ 400,000	\$ 400,000
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Funds appropriated under this subsection shall be used to provide community-based services for children, including start-up funds to establish programs or services to prevent the institutionalization of children. These services may include, but need not be limited to, foster family care, group home care, or residential care.

3. For transition, closing, and moving costs at the Mitchellville training school..	\$ 80,000	\$
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4. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes.....	\$11,750,000	\$14,500,000
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Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services the following amounts, or so much thereof as may be necessary, to be used for adult correctional services as designated:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, excluding any funding for the women's reformatory at Rockwell City for the 1982-1983 fiscal year, provided that the commissioner of social services, in order to keep expenditures from exceeding the amount of funds appropriated by this subsection, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred fifty inmates for forty-five consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates convicted of class A felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand five hundred fifty inmates within ninety days of the date of the declaration of the prison overcrowding state of

emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in stateprisono on the date of the declaration, shall be reduced by ninety days by the director of the division of adult corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under thie subsection prior to completion of the mandatory minimum sentence required by this section. The commissioner of social services shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand five hundred fifty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this subsection, "prison" means a correctional facility operated by the division of corrections and funded under this subsection, "prison

system" means the prisons of this state, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received..... \$35,410,000 \$35,715,000

If legislation creating a criminal justice improvement fund becomes law the funds appropriated by this subsection for the corrections training program are reduced for each fiscal year of the biennium which begins July 1, 1981, by one hundred seventy-five thousand (175,000) dollars.

The appropriation made by this subsection is based upon an average daily population in the adult correctional system of two thousand five hundred seventy-five inmates.

2. The department shall establish and maintain, to the extent that resources are available, treatment, training, education, and rehabilitation services in the various state correctional institutions. The services shall include, to the extent that resources are available, habilitative services and treatment for mentally retarded offenders. For the purposes of this subsection habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a mentally retarded person in becoming self-reliant. A person is considered mentally retarded if the person is diagnosed as mentally retarded, as defined in section 222.2, subsection 5, by a qualified mental retardation professional. However, the director may also provide habilitative services and treatment to other persons who would benefit from the services and treatment.

3. Community-based corrections..... \$10,620,000 \$11,150,000

A judicial district which uses funds appropriated under this subsection may contract for services from or provide funds to private agencies to provide education, job placement,

or counseling services to ex-offenders intended to facilitate the transition from incarceration to living in a free society.

4. For parole services, including salaries and support, maintenance, and miscellaneous ~~prisons~~..... \$ 980,000 \$ 980,000

The board of parole shall develop and use objective parole criteria in evaluating inmates for parole, with the goal of increasing parole rates without increasing the risk to society of release on parole. The statistical analysis center of the office for planning and programming shall monitor the board of parole's use of the objective parole criteria, and report to the general assembly by January 1, 1983 on the impact of the use of the criteria on parole rates and risk to society. As used in this subsection, "objective parole criteria" means criteria which statistically have been shown to be good predictors of risk to society of release on parole.

5. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage..... \$ 23,850 \$ 25,000

6. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 906.17..... \$ 45,315 \$ 47,500

7. For establishment of a standardized classification system to place inmates in the appropriate level of security and to operate the system commencing on or be-

fore February 1, 1982..... \$ 50,000 \$ '

The department shall report to the general assembly by January 15, 1982 on the structure, testing and evaluation procedure, and case plan development procedure of the standardized classification system.

Sec. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state mental health institutes the following amounts, or so much thereof as may be necessary:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For salaries and support, maintenance, and miscellaneous purposes.....	\$27,400,000	\$28,350,000
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2. As long as there is a demonstrated need, the department of social services shall continue to operate a geriatric program at the state mental health institute at Mount Pleasant. A reduction in the patient population at the institute necessary as a result of the correctional addition at the institute shall be achieved by reducing the institute's catchment area and shall not be achieved by eliminating specific programs, unless the institute's citizens' advisory board or the general assembly determines that there is no longer a demonstrable need for the specific program.

3. All funds received from client participation shall be deposited in the general fund of the state.

4. The state mental health institutes' daily per diem as determined pursuant to section 210.20 shall be billed at eighty percent for each fiscal year.

5. A state mental health institute shall not accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance shall not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court

finds that the standard for involuntary commitment in chapter 229 has been met. The finding may be made by the court under section 232.103 at any time prior to the expiration of a dispositional order.

6. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency and chaplain intern programs maintained at those institutes in computing the institutes' respective daily charges to patients. The commissioner of social services shall seek to maintain reasonably uniform daily charges at the four mental health institutes.

Sec. 5. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state hospital-schools the following amounts, or so much thereof as may be necessary:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For salaries and support, maintenance, and miscellaneous purposes....	\$25,300,000	\$26,500,000
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2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital-schools' per-patient-per-day cost as determined pursuant to section 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 6. A state hospital-school or mental health institute shall, upon receipt of a payment made under chapter 249A for the care of a patient, segregate an amount equal to that portion of the payment which is required by law to be made, from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred percent of client participation for eligible title XIX, medical assistance patients at the state hospital-schools.

Sec. 7. In order to establish a more balanced funding relationship between institutional and community-based mental retardation and mental health services the department of social services shall cooperate with interested groups and agencies to develop a mechanism to fund community-based services, taking into account the future use of funds available under title XIX of the federal Social Security Act, and report its recommendations to the general assembly by January 1, 1982.

Sec. 8. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the Iowa mental health authority the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

For salaries, support, maintenance, and miscellaneous purposes.	\$ 231,000	\$ 242,000
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Sec. 9. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental health advisory council the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

For salaries, support, maintenance, and miscellaneous purposes	\$ 52,000	\$ 54,500
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Sec. 10. Notwithstanding section 227.17, there is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental aid fund four hundred forty thousand (440,000) dollars, or so much thereof as may be necessary.

Sec. 11. There is appropriated from the general fund of the state to the department of social services for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For capital improvements at institutions under the department of social services other than at the women's reformatory at Rockwell City.....	\$ 650,000	\$ 800,000
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2. For capital improvements at the Iowa state penitentiary, including relocating the infirmary and visiting room.....	\$ 2,000,000	\$ 1,200,000
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3. For renovation and construction at the mental health institute at Mount Pleasant and planning for construction at the Iowa security medical facility	\$ 3,500,000	\$ 1,730,000
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The funds appropriated by this subsection for renovation and construction at the Mount Pleasant facility shall be used in order that the facility's mental health patients will be housed in that portion of the facility which currently houses

correctional residents and that the facility's correctional residents will be housed in that portion of the facility which currently houses mental health patients.

4. For construction of a new correctional facility if the general assembly determines that a new facility is needed..... \$ 7,270,000

Funds appropriated under this subsection shall not be expended for any project or projects not authorized by the 1982 session of the general assembly.

5. For capital improvements at the women's reformatory at Rockwell City..... \$ 135,000

6. The department of social services shall give priority to projects correcting violations of health and safety regulations at institutions under the department of social services and any funds appropriated by this section remaining after completion of the specific projects referenced in this section shall be allocated to the projects correcting the violations of health and safety regulations.

7. Unobligated or unencumbered funds appropriated by this section remaining on June 30, 1985, shall revert to the general fund on September 30, 1985.

Sec. 12. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts. The veterans per diem payable for veterans at the veterans home and funds received under title XIX of the federal Social Security Act by the state mental health institutes shall be deposited in the general fund.

Sec. 13. Except for funds appropriated under section 11 of this Act, funds appropriated by this Act shall not be used for capital improvements.

Sec. 14. Section 218.78, subsection 1, Code 1981, is amended to read as follows:

1. All institutional receipts of the department of social services shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair.

Sec. 15. Section 222.86, Code 1981, is amended to read as follows:

222.86 PAYMENT FOR CARE FROM FUND. Whenever If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds the-sum-of two hundred dollars, the business manager of the hospital-school or special unit may apply any amount of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by such the county or the state for the payment of care, support, and maintenance of the patient, when billed therefor by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. 16. Section 226.45, code 1981, is amended to read as follows:

226.45 REIMBURSEMENT TO COUNTY OR STATE. Whenever If a patient is not receiving medical assistance under chapter, 249A and the amount to the account of any patient in the patients' personal deposit fund exceeds the-sum-of two hundred dollars, the business manager of the hospital may apply any of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by such the county or the state for the payment of care, support, and maintenance of the patient, when billed therefor by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. 17. Section 232.102, subsection 2, Code 1981, is amended to read as follows:

2. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative placement set forth in subsection 1, paragraph b has previously been made and is not appropriate the court may enter an order transferring the guardianship of the court for the purposes of subsection 6, to ~~the~~ commissioner ~~of the department~~ of social services for ~~the~~ purposes of placement in the Iowa Juvenile Home at Toledo.

Sec. 18. Section 904.1, code 1981, is amended to read as follows:

904.1 BOARD OF PAROLE. The board of parole shall consist of ~~five~~ seven electors of the state. Not more than ~~three~~ four members shall belong to the same political party. At least ~~two~~ three members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve a term of five years beginning and ending as provided by section 69.19, except appointments to fill ~~vacancies~~ who shall serve for the balance of the unexpired term. ~~The~~ chairperson of the board shall be elected by the ~~members~~ of the board to a term of one year and may ~~serve more than one term~~. A majority of the members of the board constitutes a quorum to transact business. However, the board shall be divided into hearing panels of three or more members to interview and consider inmates for parole and to conduct parole revocation hearings. A majority vote of the members of the hearing panel is required to grant or revoke a parole. however, a parole shall not be granted or revoked without the affirmative votes of at least three members of the full board.

Sec. 19. Notwithstanding section 8.33 and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1060, section 1, the unencumbered or unobligated funds remaining in the farm accounts of the department of social services on June 30, 1981 shall not revert to the general fund of the state, but shall be credited to the revolving farm fund created in section 218.74. This section takes effect July 1, 1981 and for the purpose of preventing reversion of funds remaining

in the farm accounts of the ~~department~~ of social services on June 30, 1981, is retroactive to June 30, 1981.

Sec. 20. Section 244.15, Code 1981, is repealed.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 849, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

1.1.1.1

HOUSE FILE 850

! AN ACT

MAKING APPROPRIATIONS TO AND RELATING TO THE FINANCING OF AGENCIES WHOSE RESPONSIBILITIES RELATE TO TRANSPORTATION, PUBLIC SAFETY, PUBLIC DEFENSE, AND TO THE OFFICE FOR PLANNING AND PROGRAMMING FOR THE STATISTICAL ANALYSIS CENTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state to the following named agencies for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. IOWA LAW ENFORCEMENT ACADEMY

For salaries, support, maintenance, and miscellaneous purposes \$ 665,750 \$ 686,442

If legislation creating a criminal justice improvement fund is enacted and becomes law, the funds appropriated by this subsection for the Iowa law enforcement academy are reduced for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by one hundred thirty-nine thousand nine hundred sixty-two (139,962) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 by one hundred forty-eight thousand eight hundred seventy-one (148,871) dollars.

2. DEPARTMENT OF PUBLIC DEFENSE

a. Military division
For salaries except salaries

provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes \$ 2,256,288 \$ 2,351,918

b. For salaries, support, and maintenance of the adjutant general and the adjutant general's staff \$ 207,676 \$ 218,761

c. It is the intent of the general assembly that the military division of the department of public defense review and act upon the repair, consolidation, closure, and rebuilding of armories for joint military use.

3. OFFICE OF DISASTER SERVICES

For salaries, support, maintenance, and miscellaneous purposes \$ 110,250 \$ 110,250

Sec. 2. There is appropriated from the general fund of the state to the department of public safety for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

DEPARTMENT OF PUBLIC SAFETY

1. a. ADMINISTRATIVE FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications \$ 4,125,434 \$ 4,307,000

b. It is the intent of the general assembly that the local participation in the rental of telecommunications terminals which are located in local criminal justice agencies shall be increased by twenty-five dollars per month beginning July

1, 1981.

2. INSPECTION AND SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and capital security divisions \$ 1,281,347 \$ 1,340,250

3. INVESTIGATION FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes of the division of criminal investigation containing the bureaus of identification, drug law enforcement, welfare fraud, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated . \$ 3, 60,0 0 \$ 3,801,000

b. For the lease or lease-purchase of laboratory equipment for the criminalistics laboratory in the division of criminal investigation \$ 26,250 \$ 26,250

c. For salaries, support, maintenance, and miscellaneous purposes of the criminalistics laboratory in the division of criminal investigation \$ 180,000 \$ 180,000

d. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriation in paragraph c of this subsection for the criminalistics laboratory for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 is void.

4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries, support, maintenance, and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated . \$ 15,152,829 \$ 15,535,955

b. For maintenance and fuel for patrol vehicles to allow for the maintenance of the current level of effort in providing for the safety of the traveling public on the highways of this state, only to be expended upon authorization of the governor by executive order \$ 100,000 \$ 00,0 0

c. In addition to the complement of not to exceed four hundred ten persons there shall be twenty persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1975 and ending June 30, 1983. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

d. It is the intent of the general assembly that if the federal funds cease for the twenty additional members of the highway safety patrol, that those twenty members shall be included in the general fund appropriation for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, and that those twenty members shall be assigned to regular road duty.

e. It is the intent of the general assembly that documented assists to distressed motorists and that time spent at a court hearing by a member of the highway safety patrol shall be given a point value in the minimum work standard of contact points for highway safety patrol members assigned to road duty.

Sec. 3. There is appropriated from the general fund of the state to the Iowa crime commission, or its successor agency, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA CRIME COM- MISSION, OR ITS SUCCESSOR AGENCY		
a. Criminal justice planning	\$ 234,000	\$ 260,000
b. Juvenile justice planning	\$ 37,840	\$ 48,935
c. Jail standards development, jail training, and technical assistance	\$ 100,000	\$

2. It is the intent of the general assembly that if the duties of the Iowa crime commission specified in subsection 1 of this section and for which funds are appropriated are subsequently transferred to another agency, the funds

appropriated in subsection 1 of this section are appropriated to the successor agency to be expended only for the purposes specified in subsection 1 of this section.

3. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriations in subsection 1 of this section for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 are void.

Sec. 4. There is appropriated from the general fund of the state to the office for planning and programming for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
OFFICE FOR PLANNING AND PROGRAMMING		
Statistical analysis center	\$ 98,350	\$ 103,710

Sec. 5. There is appropriated from the general fund of the state to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 5,278,205	\$ 5,380,176
2. For public transit purposes to implement a state assistance		

plan \$ 1,908,000 \$ 1,908,000

Notwithstanding chapter 8, it is the intent of the general assembly that funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the state department of transportation. A public transit system shall make application for advance allocations to the state department of transportation specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited.

3. For deposit in the rail-road assistance fund for branch line improvement \$ 1,000,000 \$ 1,000,000

4. Unencumbered or unobligated funds remaining on June 30, 1985 from funds appropriated by subsection 2 shall revert to the general fund on September 30, 1985.

Sec. 6. There is appropriated from the road use tax fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes \$ 11,073,418 \$ 11,682,011

ADMINISTRATION OF MERIT SYSTEM

2. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state

department of transportation, as required by chapter 19A \$ 16,500 \$ 18,000

UNEMPLOYMENT COMPENSATION COSTS

3. Unemployment compensation . \$ 17,250 \$ 11,250

Sec. 7. There is appropriated from the road use tax fund to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of twenty-two thousand five hundred (22,500) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation.

Sec. 8. There is appropriated from the primary road fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes \$102,814,911 \$105,763,854

EQUIPMENT

2. a. Additional equipment to be purchased to supplement present inventory. All acquisitions, when acquired, will become a part of the state department of transportation materials and equipment revolving fund \$ 225,000 \$ 225,000

b. It is the intent of the general assembly that the appropriation for the fiscal year beginning July 1, 1982 and ending June 30, 1983 under paragraph a of this subsection shall be contingent upon the continuation of federal funds

for the completion of Interstate I-380, with the result that the appropriation reverts to the primary road fund if those federal funds are not available.

VEHICLE REPLACEMENT

3. a. To be deposited in the state department of transportation materials and equipment revolving fund established by section 307A.7 for funding the increased replacement cost of vehicles \$ 3,500,000 \$ 3,500,000

b. It is the intent of the general assembly that the state department of transportation start three or four pilot project programs on highway maintenance by private contractors to determine the cost effectiveness of private contractual service and present a report to the appropriations subcommittee on transportation and law enforcement in January, 1982.

MERIT EXPENSES

4. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A \$ 313,500 \$ 342,000

UNEMPLOYMENT COMPENSATION COSTS

5. Unemployment compensation . \$ 327,750 \$ 213,750

Sec. 9. All unencumbered or unobligated balances of funds remaining on June 30, 1985, from funds appropriated by subsection 2 of section 6 shall revert to the primary road fund on September 30, 1985.

Sec. 10. There is appropriated from the primary road fund to the state comptroller for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of four hundred twenty-seven thousand five hundred (427,500) dollars, or so much thereof as is necessary, for

the purpose of paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation.

Sec. 11. There is appropriated from the state aviation fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and miscellaneous purposes	\$ 360,156	\$ 371,270

Sec. 12. There is appropriated from the primary road fund to the state department of transportation for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION		
1. For a warehouse addition at the Ames central complex	\$ 130,000	
2. For energy conservation projects which will reduce energy consumption and produce cost-savings	\$ 200,000	

3. Any unencumbered balance remaining as of June 30, 1985 of the funds appropriated by this section shall revert to the primary road fund on September 30, 1985.

Sec. 13. There is appropriated from the general fund of the state to the Mississippi river parkway commission for each fiscal year of the fiscal biennium beginning July 1,

1981 and ending June 30, 1983, the sum of fifteen thousand (15,000) dollars, or so much thereof as is necessary, for support, maintenance, and miscellaneous purposes.

Sec. 14. If Senate File 561 is enacted by the Sixty-ninth General Assembly and becomes law, and the law provides for a study of the state department of transportation to determine staff requirements, administrative structure, and general efficiency of the department within the funding available, there is appropriated from the road use tax fund to the legislative council the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, to pay for the costs of the study.

Sec. 15. If Senate File 456 is enacted by the Sixty-ninth General Assembly and becomes law, and the law provides for a study to determine the size of the primary road system and the size of the secondary road system, there is appropriated from the road use tax fund to the state department of transportation the sum of ten thousand (10,000) dollars, or so much thereof as is necessary, to pay for the costs of the study.

Sec. 16. There is appropriated from the road use tax fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of eight hundred fifty thousand (850,000) dollars, or so much thereof as may be necessary, for the construction of a new undivided four-lane roadway on state-owned property in Iowa City from the curve of Woolf avenue near the southwest corner of the dental science building and proceeding west and north to the intersection of Rocky Shore drive and U. S. Highways 6 and 218, including the reconstruction of the intersection of Rocky Shore drive and U. S. Highways 6 and 218 and the widening from two lanes to four lanes Woolf avenue from the curve of Woolf avenue to the south of the dental science building east to the point where the existing Woolf avenue becomes four lanes: The construction engineering and inspection of the project,

consisting of draining, grading, and paving on U. S. Highways 6 and 218, shall be done by the state department of transportation. The state university of Iowa shall provide all right of way for the project, including modifications along U. S. Highways 6 and 218, and any costs incurred by the state university of Iowa in obtaining or purchasing right of way south of U. S. Highway 218 for the project shall be borne by the state university of Iowa. The installation of the traffic signal devices at the intersections of Rocky Shore drive and U. S. Highways 6 and 218 and the intersection of Newton road and Woolf avenue shall be paid from funds appropriated by this section. Funds appropriated by this section shall not be used for the construction of any parking facilities. If the cost of the project exceeds the amount of funds appropriated in this section, the state board of regents shall provide the additional funds, not to exceed five hundred thousand (500,000) dollars.

Of the amount appropriated by this section for the project, an amount equal to six hundred thousand (600,000) dollars shall be considered an interest-free loan to the state board of regents to be repaid by the board in the manner provided in this section. In the fiscal year beginning July 1, 1982 and ending June 30, 1983, and in each of the nine succeeding fiscal years, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section 312.2, subsection 5, withhold sixty thousand (60,000) dollars from that portion of the funds allocated to the state board of regents as payment of one-tenth of the loan from the road use tax fund for the project.

Sec. 17. There is appropriated from the primary road fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of one hundred fifty thousand (150,000) dollars for the project specified in section 16 of this Act.

Sec. 18. Section 29A.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Facility" means the land, and the buildings and other improvements on the land which are the responsibility and property of the Iowa national guard.

Sec. 19. Section 29914, Code 1981, is amended to read as follows:

29A.14 LEASING FACILITIES.

1. The adjutant general with the approval of the director of general services executive council shall have authority to may operate or lease any of the national guard facilities at Camp Dodge. Any income or revenue derived from such the operation or leasing shall be deposited with the state treasurer of state and credited to the general fund of the state national-guard facilities improvement fund. The balance in the national guard facilities improvement fund is limited to a maximum of two million dollars. Any amount exceeding the limit shall be credited to the general fund of the state.

2. A national guard facilities improvement fund is created in the state treasury. The proceeds of the fund are appropriated, and shall be used only for the construction, improvement, modification, maintenance, or repair of national guard facilities. However, proceeds of the fund shall not be used for the construction of a new facility without the approval of the general assembly.

Sec. 20. section 29A.57, Code 1981, is amended to read as follows:

29A.57 ARMORY BOARD.

1. The governor shall appoint an armory board which shall consist of the adjutant general serving as chairperson, at least two officers from the active commissioned personnel of the national guard, and at least one other person, who is a citizen of the state of Iowa, of good moral character. One member of the board shall have had at least five years' experience in the building construction trade. The board shall meet at times and places as ordered by the governor. The members shall serve at the pleasure of the governor.

Members of the board shall receive compensation of **thirty forty** dollars and actual expenses for each day actually employed under ~~the provisions of~~ this chapter. However, the per diem compensation shall not apply to members of the board who are full-time national guard personnel.

2. The board shall be empowered to may acquire land or real estate by purchase, contract for purchase, gift, or bequest and to acquire, own, contract for the construction of, erect, purchase, maintain, alter, operate, and repair' installations and facilities of the Iowa national guard and the Iowa air national guard when funds for the same installations and facilities are made available by the federal government, the state of Iowa municipalities, corporations or individuals. The title to such the property so acquired shall be taken in the name of the state of Iowa and such the real estate may be sold or exchanged by the executive council, upon recommendation of the board, when it is no longer needed for the purpose for which it was acquired. Income or revenue derived from the sale of the real estate shall be credited to the national guard facilities improvement fund and used for the purposes specified in section 29A.14, subsection 2.

3. In carrying out the provisions of this section, the armory board may:

1. a. Borrow money.

2. b. Mortgage any real estate acquired and the improvements erected thereon on the real estate when purchasing or improving the same property, in order to secure necessary loans.

3. c. Pledge the sales, rents, profits, and income received from any such the property for the discharge of obligations executed.

4. No An obligation created hereunder under this section shall ever not be or become a charge against the state of Iowa, but all such the obligations, including principal and interest, shall be are payable solely from any of the following:

~~17--From the~~ a. The sales, net rents, profits, and income arising from the ~~property so~~ pledged or mortgaged.

~~27--From the~~ b. The sales, net rents, profits, and income which have not been pledged for other purposes arising from any other installation ~~and~~ facility or like improvement under the control and management of said ~~board~~.

~~37--From the~~ c. The income derived from gifts and bequests for installations and facilities under the control of the armory board.

5. All property, real or personal, acquired by, and all bonds, debentures or other written evidences of indebtedness, given as security by said the board. ~~shall be~~ are exempt from taxation.

6. ~~When property acquired by the armory board, under the provisions of this law chapter, shall be~~ is free and clear of all indebtedness, the title of ~~such the~~ property shall pass to the state of Iowa.

7. ~~There shall be~~ is no liability to the state of Iowa under ~~the provisions of~~ this section. ~~No member~~ Members of the armory board and ~~no member~~ of the state executive council shall not be held to any personal or individual liability for any action taken by them under ~~the provisions of~~ this chapter.

8. The board shall fix the amount to be paid to commanding officers of each organization and unit of the national guard for headquarters expenses and shall provide by regulation how the amount shall be disbursed by the commanding officers. The governor may disapprove the actions of the armory board.

9. The allowances made by the armory board shall be paid from the funds appropriated for the support and maintenance of the national guard.

Sec. 21. Section 29A.58, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The armory board as lessor or sublessor may, for a term not to exceed twenty years, lease property under the control

of the board for purposes other than armory or military use when the leasing does not interfere with the use of ~~such the~~ property for military purposes. A military operations fund is created in the state treasury. The rental proceeds ~~thereof~~ of property leased by the board shall be paid to the adjutant general for deposit ~~into the general fund of the state with~~ the treasurer of state and credited to a separate account of the military operations fund. The finance officer of the office of adjutant general shall credit the appropriate account with the rental revenue which each armory produces. The revenue credited to each account is appropriated for maintaining, improving, and repairing the armory facility and utility payments.

Sec. 22. Section 808.15, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director of the academy shall assess a fee for use of law enforcement media resource~~s~~ supplied or loaned by the academy. The fees shall be established by rules adopted pursuant to chapter 17A. The fees shall be considered as repayment receipts.

Sec. 23. Section 308.4, subsection 3, Code 1981, is amended to read as follows:

3. There ~~is~~ appropriated from the general fund of the state to the state department of transportation the ~~sum of~~ one-hundred ninety-five thousand four hundred dollars for each fiscal year beginning July 1, ~~1978~~ 1981, and ending June 30, 1988. ~~Said The~~ money is to be utilized for the acquisition and construction of highway-associated project components for the great river road. Each annual appropriation shall first be used to reimburse the great river road fund established in section 312.2, with remaining funds being available for a period of one fiscal year following the year of appropriation. The state department of transportation, in co-operation with the ~~state~~ conservation commission and the Mississippi river parkway commission, shall administer

~~the provisions of this subsection~~ and shall issue rules for such administration in accordance with chapter 17A. A report shall be submitted listing the expenditures for the previous year and cumulative expenditures of all funds appropriated by this section and the report shall be incorporated in the annual report required by section 17.9.

Sec. 24. Section 321.211, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon suspending the license of any person as ~~hereinafore~~ authorized the department shall immediately notify the licensee in writing and upon ~~his-or-her~~ the licensee's request shall afford him-er-her the licensee an opportunity for a hearing before the director or ~~his-or-her-duty~~ the director's authorized agent as early as practical within not to exceed thirty days after receipt of ~~such the~~ request in the county wherein in which the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the director or ~~hie-er-her~~ duly the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is hereby appropriated each year from the general fund of the state to the department ~~one~~ hundred-dive ~~Sixty~~ thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the general fund of the state in a manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 25. Section 321.271, unnumbered paragraph 2, Code 1981, is amended to read as follows:

All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, ~~his~~ the party's insurance company or its agent, or ~~hie~~ the party's attorney on written request to the department and the payment of a fee of ~~two~~ four dollars for each copy.

Sec. 26. Section 321A.3, Code 1981, is amended to read as follows:

321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES TO BE CHARGED AND DISPOSITION OF FEES. The director shall upon request furnish any person a certified abstract of the operating record of any person subject to ~~the provisions of~~ this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of ~~eueh~~ the person, and, if there shall be no record of any conviction of ~~eueh~~ the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by ~~eueh~~ such the person, the director shall so certify. A fee of ~~two~~ four dollars shall be paid for each ~~such~~ abstract except by state, county, city or court officials. ~~Such The~~ abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Sec. 27. It is the intent of the general assembly that agencies to which funds are appropriated by this Act shall submit a report of all utilities used for the fiscal year beginning July 1, 1980 and ending June 30, 1981 in January, 1982, and for the fiscal year beginning July 1, 1981 and ending June 30, 1982, in January, 1983 to the appropriations subcommittee on transportation and law enforcement.

Sec. 28. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants

or receipts. All personnel authorized and funded under federal grants or receipts are approved for the duration of *the* grant or the availability of the receipts.

DELWYN STROMER
Speaker of *the* House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 850, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

June 19, 1981

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 850, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, public defense and to the Office for Planning and Programming for the Statistical Analysis Center.

House File 850 is approved June 19, 1981, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as Section 2, paragraph e which reads as follows:

e. It is the intent of the general assembly that documented assists to distressed motorists and that time spent at a court hearing by a member of the highway safety patrol shall be given a point value in the minimum work standard of contact points for highway safety patrol members assigned to road duty.

I have four reasons for taking this action:

- the State Patrol minimum performance standard has already been revised to include points for motorist assists;
- the issue of how to evaluate time spent in court within the point system is now under review and will likely be addressed in the 1982 work standards;
- the minimum performance standard is not established in law and to ensure maximum flexibility it is most appropriately modified through administrative rather than statutory action;

The Honorable Mary Jane Odell
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June 19, 1981

- the establishment of work standards is a management tool which is best left to the executive branch.

In an effort to ensure that the State Patrol carries out its duties and obligations in an efficient and effective manner, on October 8, 1979, the Department of Public Safety established a set of minimum performance standards by which all troopers would be evaluated.

It is important to note that this system was developed in part in response to concerns expressed by troopers, who were appealing disciplinary actions, that the Department of Public Safety did not have clear, specific work goals. The current point system does provide a precise standard by which all troopers know they will be fairly evaluated. Several members of the legislature correctly pointed out the need to review the system.

Since it was a new system, it clearly was not perfect. After the first year's experience, the Department of Public Safety did review the results of the point system and determined that the system should be modified. Significant changes that were implemented in April, 1981, included: the abolition of the requirement that each trooper achieve five OMVUI arrests during the year; the granting of points for motorist assists; and a readjustment of the points required on a daily basis.

This review process is continuing now as management officials consider what additional changes might be made to the point system for 1982. One of the issues being given careful consideration is how time spent in court should be evaluated within the overall point system. It is anticipated that this subject will be addressed in the 1982 standards.

Since the minimum performance standards system is a management tool, not based in legislation, I believe it would be unwise to rigidly cast part of the system within session laws. Moreover, since the point system is clearly evolving and will be subject to further modifications, it is essential that the Department maintain the maximum amount of flexibility in making periodic adjustments to the work standard. Having part of the system based in the session laws would, in my view, remove from management the flexibility it requires to make needed changes.

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In passing this section of the bill, the legislature has pointed out a problem that needs to be, and is being, addressed. At the same time, I believe this section deals with the daily management and administration of the Department of Public Safety which is most properly left to the executive branch.

I therefore veto Section 2, paragraph e of House File 850.

Sincerely,



Ray
Governor

RDR/ps

HOUSE FILE 851

AN ACT

RELATING TO THE FUNDING OF STATE AGENCIES FOR DESIGNATED SERVICE PROGRAMS INCLUDING HEALTH PROGRAMS, SUBSTANCE ABUSE PROGRAMS, CIVIL RIGHTS, PAROLE SERVICES, VETERANS' SERVICES, AND PROGRAMS FOR MINORITY, ELDERLY, AND DISADVANTAGED PERSONS FOR THE FISCAL BIENNIUM BEGINNING JULY 1, 1981, AND ENDING JUNE 30, 1983 AND PROVIDING FOR FEES FOR CERTAIN LICENSING EXAMINATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state to the commission on aging for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1. For salaries and support of not more than twenty-nine point twenty-five full-time

equivalent positions annually, maintenance, and miscellaneous purposes	\$ 180,561	\$ 188,900
2. For the administration of area agencies on aging	\$ 112,190	\$ 117,600
3. For the senior citizen employment program	\$ 103,032	\$ 108,000
4. For the older Iowans legislature	\$ 13,356	\$ 14,000
5. For elderly services programs	\$ 763,200	\$ 800,000

All funds appropriated under this subsection shall be received and disbursed by the commission in accordance with sections 249B.15 through 249B.21, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty-five years of age for chore, telephone reassurance, adult day care, and home repair services. including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations, 45 CFR 1321.77, as amended by 45 Federal Register p. 21155 (March 31, 1980).

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA STATE CIVIL RIGHTS COMMISSION		
For salaries and support of not more than twenty-five		

full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 584,924 \$ 612,183

2. SPANISH-SPEAKING

PEOPLES COMMISSION

For salaries and support of not more than one full-time equivalent position annually, expenses of the commission, maintenance, and miscellaneous purposes \$ 31,606 \$ 33,130

3. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED

For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 108,554 \$ 113,788

4. BOARD OF PAROLE

For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 311,247 \$ 324,440

Thirty-two thousand four hundred (32,400) dollars of the funds appropriated under this subsection for each fiscal year of the biennium shall be available to the board of parole only for the purpose of providing salaries and support for two additional members of the board of parole if the two additional members are approved by the general assembly for each fiscal year of the biennium.

5. COMMISSION ON THE STATUS OF WOMEN

For salaries and support of not more than three full-

time equivalent positions annually, maintenance, and miscellaneous purposes \$ 89,275 \$ 93,178

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS		
For salaries and support of not more than eleven full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes	\$ 364,682	\$ 354,111
2. BOARD OF NURSE EXAMINERS		
For salaries and support of not more than fourteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes	\$ 446,395	\$ 471,463
3. BOARD OF PHARMACY EXAMINERS		
For salaries and support of not more than eight full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes	\$ 291,757	\$ 291,942

The research program for the medicinal use of marijuana shall remain in effect for the fiscal biennium.

Sec. 4. There is appropriated from the general fund of the state to the state department of health for each fiscal

year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. ADMINISTRATION		
For salaries and support of not more than sixty-eight point twenty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes	8 833,143	\$ 873,870
2. HEALTH FACILITIES DIVISION		
For salaries and support of not more than fifty-nine point seventy-five full-time equivalent positions annually, maintenance, and miscellaneous purposes	8 530,994	\$ 557,732
3. HEALTH PLANNING AND DEVELOPMENT DIVISION		
For salaries and support of not more than twenty-two point five full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 236,365	\$ 228,907
4. DISEASE PREVENTION DIVISION		
For salaries and support of not more than fifty-two full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 840,474	\$ 881,833

The department may employ an environmental specialist I for the radiation program with federal funds.

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than sixteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes 8 525,068 \$ 542,648

The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

6. PERSONAL AND FAMILY HEALTH SERVICES

For salaries and support of not more than fifty-two point four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 605,691 \$ 634,613

The position of physical fitness coordinator is disapproved by the general assembly. The department may employ a dietary consultant for the women's, infants', and children's program with federal funds. The department shall allocate from the funds appropriated under this subsection at least forty-five thousand (45,000) dollars for each fiscal year of the biennium for the perinatal program and at least four hundred forty-

four thousand (444,000) dollars for each fiscal year of the biennium for the **birth defects** and genetic counseling program.

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than **forty-eight** point forty-five full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,445,824 \$ 1,484,092

Thirty thousand (30,000) dollars of the funds appropriated under this lettered paragraph for the fiscal year beginning July 1, 1981, shall be available to the division only for the purpose of maintaining the positions of four regional supervisory nurses through September 30, 1981, in the event that federal 314-D funds for the regional supervisory nurses are rescinded.

The department shall allocate from the funds appropriated under this lettered paragraph eight hundred sixty-two thousand six hundred forty-four (**862,644**) dollars for the fiscal year beginning July 1, 1981, and nine hundred thirty thousand nine hundred twelve (930,912) dollars for the fiscal year beginning July 1, 1982, for the chronic renal disease **program**. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance **premiums**, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditure shall not exceed these allocations. If projected expenditures will exceed the allocations. the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures **within** the allocations.

b. Sexual abuse investigations.

For medical procedures required by section 709.10 \$ 40.500 \$ 40,500

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 339.7 \$ 25,200 \$ 25,200

d. In-home health care grants.

For grants to local boards of health for the following programs to maintain or **expand** the availability of in-home health care to low-income and elderly persons in the state:

(1) Homemaker-home health aide program	\$ 1,562,207	\$ 1,621,862
(2) Public health nureing program	\$ 1,640,019	\$ 1,719,098

Funds appropriated under this lettered paragraph shall be used to maintain and expand existing in-home health care services for low-income and elderly persons with the objective of preventing or reducing the inappropriate institutionalization of low-income and elderly persons. The funds shall not be used for any other purpose. As used in this lettered paragraph, **'elderly person'** means a person who is sixty years of age or older, and **"low-income person"** means a person eligible for adult protective services whose income and resources are above the guidelines established by the department of social services.

The department may retain not more than one percent of the amount appropriated under this lettered paragraph, to

be used to pay the ~~costs of~~ administering the in-home health care programs. The remainder of the amounts appropriated shall be allocated for ~~use~~ in the several counties of the state. One-fourth of the total amount to be allocated shall be divided ~~so~~ that an equal amount is available for use in each county in the state. ~~Three-fourths~~ of the total amount to be allocated shall be divided ~~so~~ that the share available for use in each county is proportionate to the number of low-income and elderly persons living in that county in relation to the total number of low-income and elderly persons living in the state.

In order to receive allocations under this lettered paragraph, the local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of ~~expanded~~ in-home health care to low-income and elderly persons in the jurisdiction. The proposal shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health ~~may~~ subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services, a suitable local governmental body, ~~or~~ a person ~~as~~ defined in section 4.1, subsection 13, to use the allocated funds to expand ~~or~~ maintain in-home health care services. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30 of each year of the biennium the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this lettered paragraph an unallocated

pool. The department shall prior to December 31 of each fiscal year of the biennium reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this lettered paragraph. The reallocation shall be made to those counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of each fiscal year of the biennium.

The department shall adopt rules defining eligibility for in-home health care services paid for from funds appropriated by this lettered paragraph. The rules shall impose a sliding fee scale for those persons able to pay for a portion of the cost of the services.

The department shall annually evaluate the success of the in-home health care grant program. The evaluation shall include the extent to which the program reduced or prevented the inappropriate institutionalization of low-income and elderly persons, the extent to which the program increased the availability of in-home health care to low-income and elderly persons, and the extent of in-home health care provided to low-income and elderly persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

The state department of health, the department of social services, and the commission on the aging shall study jointly and make recommendations to the general assembly by January 15, 1982 for an integrated state homemaker-home health aid program. In preparing the study the three state agencies shall include representatives of interested outside groups, including the Iowa council for homemaker-home health aid services, in the discussion and planning stages. The three state agencies, during the study and the preparation of the report, shall coordinate their respective homemaker programs, with the goal of developing a homemaker system as uniform

and integrated as is practicable, using as guidelines a minimum of administrative overhead, a minimum of state control consistent with proper monitoring of local programs, and a maximum of client services provided.

e. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state \$ 202,248 \$ 212,000

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of veterans affairs for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes	8 100,900	8 102,135

2. For the war orphans educational aid fund	\$ 20,000	\$ 32,000
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Sec. 6. There is appropriated from the general fund of the state to the Iowa department of substance abuse for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than fourteen full-time equivalent positions an-		

nally, maintenance, and miscellaneous purposes \$ 142,967 \$ 0

2. For program grants \$ 2,361,150 \$ 0

3. The Iowa department of substance abuse shall prepare an alternative plan to chapter 125 for the administration and regulation of substance abuse programs, which shall include recommendations to:

a. Hake county boards of supervisors responsible to the Iowa department of substance abuse for the state funds allocated to the boards and for maintaining county programs within the guidelines developed by the Iowa department of substance abuse.

b. Provide criteria for the operation of local substance abuse programs for prevention, education, referral, and post-treatment services.

c. Provide that those duties performed by regional satellite corporations be allocated to county-controlled local programs and terminate support for the satellite corporations when local programs are in place.

d. Establish a system of allocation for state substance abuse funds to county boards of Supervisors to distribute twenty-five percent of the total state funds evenly between all counties of the state and to distribute the remaining seventy-five percent of the total state funds to counties on a per capita basis. If possible, the state funds shall be matched by local funds for local programs.

e. License and regulate treatment facilities by the Iowa department of substance abuse and obtain the seventy-five percent state payment and twenty-five percent county payment of the cost of treatment of those individuals unable to pay for their own treatment.

The alternative plan for the administration and regulation of substance abuse programs shall be presented to the general assembly by November 1, 1981. The plan shall be evaluated by the program evaluation division of the legislative fiscal

bureau as a part of the division's study of the administration, structure and funding of the Iowa department of substance abuse.

Sec. 7. The director of general services shall charge the following agencies a fee for the rental of space provided by the department of general services for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, in the following amounts:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS	\$ 14,000	\$ 14,000
2. BOARD OF NURSE EXAMINERS ..	\$ 19,200	\$ 19,200
3. BOARD OF PHARMACY EXAMINERS	\$ 9,600	\$ 9,600
4. LICENSING AND CERTIFICATION DIVISION OF THE STATE DEPARTMENT OF HEALTH	\$ 16,000	\$ 16,000

The state department of health shall prorate the rental charges under this subsection among the examining boards within the licensing and certification division. The proration shall be based on the number of licensees under each examining board and the actual number of staff members assigned to each examining board.

Sec. 8. Section 18.12, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Establish rental fees for space owned by the state and provided by the department to a state agency to which the general assembly has specifically appropriated funds to pay the rental fees.

The director shall notify each state agency provided space by the department to which an appropriation for the rental of that space has been made of the rental fee for the space. The fee shall be based on the cost of the space, services provided to the agency by the division of buildings and

grounds, maintenance, utilities, administration, and other property management costs. The state agency shall pay the fee to the department in the same manner as other expenses of the state agency are paid. Fees collected shall be deposited in the general fund of the state.

Sec. 9. The licensing boards for which general fund appropriations have been provided for in section 3, subsection 1, 2, or 3 and section 4, subsection 5 of this Act may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in section 3, subsection 1, 2, or 3 and section 4, subsection 5 of this Act expands or encumbers an amount in excess of the funds budgeted for examinations, the state comptroller shall approve the expenditure or encumbrance. Before approval is given, the state comptroller shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid. Upon approval of the state comptroller the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 10. Section 147.81, Code 1981, is repealed. An individual who has failed an initial examination for a license required under chapter 147 before the effective date of this Act may take a second examination within fourteen months after the first examination without further fee.

Sec. 11. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time

equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 851, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 852

AN ACT

REQUIRING INSURANCE COMPANIES TO PAY PREMIUM TAXES ON A PRE-PAYMENT BASIS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 432.1, Code 1981, is amended to read as follows:

432.1 TAX ON GROSS PREMIUMS. Every insurance company or association of whatever kind or character, not including fraternal beneficiary associations, and nonprofit hospital and medical service corporations, shall, ~~at-the-time-of-making the-annual-statement~~ as required by law, pay to the director of the department of revenue, or to a depository designated by the director, as taxes, an amount equal to the following, except that the premium tax applicable to county mutual associations shall be governed by section 518.18:

1. Two percent of the gross amount of premiums received during the preceding calendar year by every life insurance company or association, not including fraternal beneficiary associations, or the gross payments or deposits collected from holders of fraternal beneficiary association certificates, on contracts of insurance covering risks resident in this state during the preceding year, including contracts for group insurance and annuities and without including or deducting any amounts received or paid for reinsurance.

In determining the gross amount of premiums to be taxed hereunder, there shall be excluded all premiums received from policies or contracts issued in connection with a pension, annuity, profit sharing plan or individual retirement annuity qualified or exempt under sections 401, 403, 404, 408 or 501(a) of the federal Internal Revenue Code as now or hereafter amended and all premiums returned to policyholders or annuitants during the preceding calendar year, except cash surrender values, all dividends that, during said year, have

been paid in cash or applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants.

2. Two percent of gross amount of premiums, assessments, and fees received during the preceding calendar year by every company or association other than life on contracts of insurance other than life for business done in this state, including all insurance upon property situated in this state, after deducting the amounts returned upon canceled policies, certificates and rejected applications but not including the gross premiums, assessments and fees in connection with ocean marine insurance authorized in section 515.48.

3. Except as provided in subsection 4, the premium tax shall be paid on or before March 1 of the year following the calendar year for which the tax is due. The commissioner may suspend or revoke the license of a company or association that fails to pay its premium tax on or before the due date.

4. Insurance companies and associations transacting business in this state whose Iowa premium tax for calendar year 1981 is one thousand dollars or more shall remit on or before June 1, 1982 on a prepayment basis, an amount equal to one-half of the premium tax paid on calendar year 1981 premiums; and insurance companies and associations transacting business in this state whose Iowa premium tax for the calendar year 1982 is one thousand dollars or more shall remit on or before June 1, 1983 on a prepayment basis. an amount equal to one-half of the premium tax paid on calendar year 1982 premiums. The sums prepaid by a company or association under this subsection shall be allowed as credits against its premium tax liability for the calendar years 1982 and 1983, respectively, and if a prepayment exceeds the annual premium tax liability. the excess shall be allowed as a credit against subsequent prepayment or tax liabilities. The commissioner may suspend or revoke the license of a company or association that fails to make a tax prepayment on or before the due date.

Sec. 2. Section 432.3, Code 1981, is amended to read as follows: ,

432.3 RECEIPTS--CERTIFICATE OF AUTHORITY. At the time of ~~paying~~ filing the annual tax return and the final payment of said taxes, said companies and associations shall take duplicate receipts therefor, one of which shall be filed with the commissioner of insurance, and upon filing of said receipt, and not ~~until~~ until then, the commissioner of insurance shall issue the annual certificate as provided by law.

Sec. 3. This Act takes effect January 1 following its enactment.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 852, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

in no case later than June 30 of the current fiscal year,
to repay the funds taken from the cash reserve fund.

HOUSE FILE 865

AN ACT

TO PROVIDE FOR THE IMPOSITION OF A PROPERTY TAX LEVY FOR AREA
SCHOOLS FOR A CASH RESERVE

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 280A, Code 1981. is amended by adding
the following new section:

NEW SECTION. ADDITIONAL TAX-CASH RESERVE FUND. In
addition to the tax authorized under section 280A.17, the
board of directors of an area school may certify for levy
by March 15, 1982 and March 15, 1983, a tax on taxable property
in the merged area at rates that will provide total revenues
for the two years equal to five percent of the area school's
general fund expenditures for the fiscal year ending June
30, 1980 in order to provide a cash reserve for that area
school. As nearly as possible, one-half the revenue for the
cash reserve fund shall be collected during each year.

The revenues derived from the levies shall be placed in
a separate cash reserve fund. Moneys from the cash reserve
fund shall only be used to alleviate temporary cash shortages.
If moneys from the cash reserve fund are used to alleviate
a temporary cash shortage, the cash reserve fund shall be
reimbursed immediately from the general fund of the area
school as funds in the general fund become available, but

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as Rouse Pile 865, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1983

ROBERT D. RAY
Governor

HOUSE FILE 867

AN ACT

TO INCREASE THE DOLLAR AMOUNT WHICH MAY BE LEVIED FOR THE COUNTY AGRICULTURAL EXTENSION EDUCATION PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 176A.10, subsections 1, 2, 3 and 4, Code 1981, are amended to read as follows:

1. For an extension district having a population of less than thirty thousand, an annual levy not to exceed twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of ~~fifty~~ fifty-five thousand dollars ~~per-annum~~ for the fiscal year commencing July 1, 1982, sixty thousand dollars

for the fiscal year commencing July 1, 1983, sixty-five thousand dollars for the fiscal year commencing July 1, 1984, seventy thousand dollars for the fiscal Year commencing July 1, 1985, and seventy-five thousand dollars for each subsequent fiscal year.

2. For an extension district having a population of thirty thousand or more but less than fifty thousand population, an annual levy not to exceed twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of ~~sixty~~ sixty-six thousand dollars ~~per-annum~~ for the fiscal year commencing July 1, 1982, seventy-two thousand dollars for the fiscal year commencing July 1, 1983, seventy-eight thousand dollars for the fiscal year commencing July 1, 1984, eighty-four thousand dollars for the fiscal year commencing July 1, 1985, and ninety thousand dollars for each subsequent fiscal Year.

3. For an extension district having a population of fifty thousand or more but less than one hundred thousand population, an annual levy not to exceed thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of ~~seventy-five~~ eighty-two thousand five hundred dollars ~~per-annum~~ for the fiscal year commencing July 1, 1982, ninety thousand dollars for the fiscal year commencing July 1, 1983, ninety-seven thousand Nve hundred dollars for the fiscal year commencing July 1, 1984, one hundred five thousand dollars for the fiscal year commencing July 1, 1985, and one hundred twelve thousand five hundred dollars for each subsequent fiscal year.

4. For an extension district having a population of one hundred thousand or more, an annual levy not to exceed thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred ten thousand dollars ~~per-annum~~ for the fiscal Year commencing July 1, 1982, one hundred twenty thousand dollars for the fiscal year commencing July 1, 1983,

one hundred thirty thousand dollars for the fiscal year commencing July 1, 1984, one hundred forty thousand dollars for the fiscal year commencing July 1, 1985, and one hundred fifty thousand dollars for each subsequent fiscal year.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 867, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 868

AN ACT

RELATING TO THE STATE INCOME AND FRANCHISE TAXES BY ALLOWING INDEXING TO OCCUR FOR SUBSEQUENT TAX YEARS, UPDATING REFERENCES TO THE INTERNAL REVENUE CODE, AND MAKING CERTAIN PROVISIONS OF THE ACT RETROACTIVE

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.4, subsection 18, paragraphs a, b, and d, Code 1981, are amended to read as follows:

a. "Annual inflation factor" means an index, expressed as a percentage, determined by the department each year to reflect the purchasing power of the dollar as a result of inflation during the preceding calendar year. For the 1981 and subsequent calendar year years, "annual inflation factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined to reflect the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual inflation factor, the department shall use the annual percent change, but not less than zero percent, in the implicit price deflator for the gross national product computed for the whole calendar year or for the second quarter of the calendar year, in the case of the annual inflation factor for the 1981 and subsequent calendar year years, by the bureau of economic analysis of the United States department of commerce and shall add two-fourths for the 1980 and subsequent calendar years of that percent change to one hundred percent. The annual inflation factor for the 1979 calendar year is one hundred two point three percent. The annual inflation factor and the cumulative inflation factor shall

each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual inflation factor shall not be less than one hundred percent.

b. "Cumulative inflation factor" means the product of the annual inflation factor for the 1978 calendar year and all annual inflation factors for subsequent calendar years as determined pursuant to this subsection. The cumulative inflation factor applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual inflation factor has been determined. For calendar years beginning on or after January 1, 1982, the cumulative inflation factor shall be one hundred percent.

d. Notwithstanding the computation of the annual inflation factor under paragraph "a" of this subsection, the annual inflation factor is one hundred percent for any calendar year in which the unobligated state general fund balance on June 30 as certified by the state comptroller by September 10 of the fiscal year beginning in that calendar year is less than sixty million dollars. However, for the 1981 and subsequent calendar year years, the annual inflation factor is one hundred percent for any calendar year if the unobligated state general fund balance on June 30 of the calendar year preceding the calendar year for which the factor is determined, as certified by the state comptroller by October 10, is less than sixty million dollars.

Sec. 2. Section 422.4, subsection 17, Code 1981. is amended to read as follows:

17. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, 1980 1981.

Sec. 3. Income of an individual which is excluded from gross income under the Internal Revenue Code of 1954 as a result of the provisions of the Hostage Relief Act of 1980, 94 stat. 1967, shall not be included as income in computing the tax imposed by section 422.5.

Sec. 4. Section 422.7, Code 1981, is amended by inserting after subsection 8 **the following** new subsection:

NEW SUBSECTION. The combined exclusion of interest and dividend income provided by section 116(a) of the Internal Revenue Code of 1954, as amended up to and including January 1, 1981, is not **applicable** in computing Iowa net income for tax years beginning before January 1, 1982. Instead, each individual may exclude not more than one hundred dollars of income received as dividends from domestic corporations as provided by section 116(a) of **the** Internal Revenue Code of 1954, as amended up to and including January 1, 1980.

Sec. 5. Section 422.7, Code 1981, **is** amended by inserting after subsection 8 the following **new** subsection:

NEW SUBSECTION. Married taxpayers **who** file a joint federal return and **who** elect to file separate returns or separate filing on a combined return for Iowa income tax purposes may avail themselves of the exclusion for interest and dividend income pursuant to section 116(a) of the Internal Revenue Code of 1954 and shall compute the exclusion subject to the limitations for joint federal income tax return filers provided by section 116(b)(1) of the Internal Revenue Code of 1954.

Sec. 6. section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Subtract the amount of the alcohol fuel credit allowable for the tax year under section 44E of the Internal Revenue Code of 1954 to the extent that the credit increased federal adjusted gross income.

Sec. 7. Section 422.32, subsection 4, Code 1981, is amended to read as follows:

4. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1980~~ **1981**.

Sec. 8. Section 422.35, Code 1981, is amended by inserting after subsection 6 the following new subsection:

NEW SUBSECTION. Subtract the amount of the alcohol fuel credit allowable for the tax year under section 44E of the Internal Revenue Code of 1954 to the extent that the credit increased federal taxable income.

Sec. 9. Sections 2, 6, 7 and 8 are retroactive to January 1, 1980. for tax years beginning on or after January 1, 1980.

Sec. 10. Section 4 is retroactive to January 1, 1981, for tax years beginning on or after January 1, 1981 but before January 1, 1982.

Sec. 11. Section 5 takes effect January 1, 1982 for tax years beginning on or after January 1, 1982.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is **known** as House File 868, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

News, a newspaper published in Des Moines, Iowa, and in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa.

HOUSE FILE 873

AN ACT

RELATING TO THE MAINTENANCE LEVY FOR BENEFITED WATER DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 357.25, Code 1981, is amended to read as follows:

357.25 MANAGEMENT BY TRUSTEES. After the final acceptance of the work by the board of supervisors, the management of the utility shall automatically go to the three trustees previously appointed by the board of supervisors. The trustees of a benefited water district located in a county with a population of two hundred fifty thousand or less shall have power to levy an annual tax not to exceed thirteen and one-half cents per thousand dollars of assessed value of all taxable property in the district, for the maintenance of the system. However, the trustees of a benefited water district located in a county with a population of more than two hundred fifty thousand may levy an annual tax on the taxable value of all taxable property in the district in an amount as may be necessary for the maintenance of the system, with the approval of the board of supervisors. This levy shall be optional with the trustees. The trustees may purchase material and employ labor to properly maintain and operate the utility. The trustees shall be allowed necessary expenses in the discharge of their duties, but shall not receive any salary.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Lee Town

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 873, Sixty-ninth General Assembly.

PAT E. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

HOUSE FILE 875

AN ACT

RELATING TO THE COMPENSATION AND BENEFITS FOR PUBLIC OFFICIALS AND EMPLOYEES BY SPECIFYING SALARY RATES AND RANGES AND PROVIDING SALARY ADJUSTMENTS, INCREASING MILEAGE REIMBURSEMENT RATES FOR PUBLIC OFFICERS AND EMPLOYEES, PROVIDING REIMBURSEMENT FOR INTERVIEW AND MOVING EXPENSES, MAKING COORDINATING AMENDMENTS TO THE CODE, AND APPROPRIATING FUNDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The salary rates specified in this section are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1982, are effective for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section pursuant to any Act of the general assembly or if the appropriation is not sufficient, from the salary adjustment fund.

The following annual salary rates shall be paid to the person holding the position indicated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. DEPARTMENT OF AGRICULTURE		
Salary for the secretary of agriculture.....	\$ 35,600	\$ 38,500
2. OFFICE OF THE ATTORNEY GENERAL		
Salary of the attorney general.. ...	\$ 47,000	\$ 50,700
3. OFFICE OF THE AUDITOR OF STATE		
Salary of the auditor of state.....	\$ 35,600	\$ 38,500
4. OFFICE OF THE SECRETARY OF STATE		

Salary of the secretary of state... \$ 35,600 \$ 38,500
5. OFFICE OF THE TREASURER OF STATE

Salary of the treasurer of state... \$ 35,600 \$ 38,500

Sec. 2. The salary rates specified in this section are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1982, are effective for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the department which the person represents and from funds appropriated by section 3 of this Act.

The following annual salary rates shall be paid to the persons holding the positions indicated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. Chief justice of the supreme court....	\$ 57,900	\$ 62,100
2. Each justice of the supreme court..	\$ 52,900	\$ 57,100
3. Chief judge of the court of appeals.....	\$ 51,300	\$ 55,400
4. Each associate judge of the court of appeals.....	\$ 50,200	\$ 54,200
5. Each chief judge of a judicial district....	\$ 49,100	\$ 53,000
6. Each district court judge except the chief judge of a judicial district...	\$ 47,000	\$ 50,700
7. Each district associate judge.....	\$ 38,900	\$ 42,000
8. Each part-time judicial magistrate.....	\$ 10,800	\$ 11,700

Sec. 3. There is appropriated from the general fund of the state for each fiscal year

of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used to fund increases in judicial salaries as provided in section 2 of this Act and for the state's contribution to the judicial retirement system provided for in chapter 605A required because of the increased salaries.

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 649,750	\$ 1,350,250

Sec. 4. The salary rates specified in this section are effective for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983. The salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section or pursuant to this Act.

The following annual salary rates shall be paid to the persons holding the positions indicated:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. Chairperson of the public employment relations board.....	\$ 36,800	\$ 39,750
2. Two members of the public employment relations board, each...	\$ 34,100	\$ 36,800

Sec. 5. Persons receiving the salary rates established under section 1, 2, or 4 of this Act shall not receive any additional salary adjustments provided by this Act. The salary rates specified in section 4 of this Act are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1982, are effective for subsequent years until otherwise provided by the general assembly. If the funds of the agency which have been appropriated for salaries are insufficient to pay the salaries fixed by

section 1 or 4 of this Act because of increases in the salaries, funds may be allocated from funds appropriated by this Act to the salary adjustment fund. In addition, if federal funds are available for any position provided for in section 4 of this Act, the federal funds may be expended if the combined federal and state funds do not exceed the rates provided for in section 4 of this Act.

Sec. 6. The governor may establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in section 7 of this Act within the range provided by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, the availability of qualified candidates for the position, and subordinates' salaries.

The governor in establishing salaries as provided in section 7 of this Act shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

A person whose salary is established by section 7 of this Act and who is a full-time permanent employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law; however, this provision does not exclude necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 7. The following annual salary ranges are effective for the positions specified for the fiscal year beginning July 1, 1981, and for the fiscal year beginning July 1, 1982 and each subsequent fiscal year until otherwise provided by the general assembly. The governor shall determine the salary to be paid to the person indicated at a rate within the salary ranges indicated from funds appropriated by the general assembly for that purpose.

1. For the fiscal year beginning July 1, 1981, if a person is in:

- a. Range one, the person shall receive a salary of not less than five thousand four hundred (5,400) dollars or more than sixteen thousand two hundred (16,200) dollars.
- b. Range two, the person shall receive a salary of not less than nineteen thousand four hundred (19,400) dollars or more than thirty-two thousand four hundred (32,400) dollars.
- c. Range three, the person shall receive a salary of not less than twenty-seven thousand (27,000) dollars or more than thirty-seven thousand eight hundred (37,800) dollars.
- d. Range four, the person shall receive a salary of not less than thirty-two thousand four hundred (32,400) dollars or more than forty-three thousand two hundred (43,200) dollars.
- e. Range five, the person shall receive a salary of not less than thirty-seven thousand eight hundred (37,800) dollars or more than forty-eight thousand six hundred (48,600) dollars.

2. For the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly if a person is in:

- a. Range one, the person shall receive a salary of not less than five thousand eight hundred (5,800) dollars or more than seventeen thousand five hundred (17,500) dollars.
- b. Range two, the person shall receive a salary of not less than twenty-one thousand (21,000) dollars or more than thirty-five thousand (35,000) dollars.
- c. Range three, the person shall receive a salary of not less than twenty-nine thousand two hundred (29,200) dollars or more than forty thousand eight hundred (40,600) dollars.
- d. Range four, the person shall receive a salary of not less than thirty-five thousand (35,000) dollars or more than forty-six thousand seven hundred (46,700) dollars:
- e. Range five, the person shall receive a salary of not less than forty thousand eight hundred (40,800) dollars or more than fifty-two thousand five hundred (52,500) dollars.

3. The following are range one positions: members of

the board of parole, members of the state health facilities council, and members of the transportation commission of the department of transportation.

4. The following are range two positions: executive director of the commission on aging, appellate defender, director of the Iowa state arts council, director of the Iowa civil rights commission, executive director of the college aid commission, executive secretary of the Iowa crime Commission or the criminal justice planning agency, executive secretary of the committee on employment of the handicapped, members of the appeal board of the Iowa department of job service, director of the historical society of the state historical department, director of museum and archives of the state historical department, director of historical preservation of the state historical department, director of the Iowa law enforcement academy, state librarian, director of the Iowa natural resources council, director of disaster services of the department of public defense, director of the real estate commission, director of the department of substance abuse, and each member of the transportation regulation board of the department of transportation.

5. The following are range three positions: director of the commission for the blind, administrator of the credit union department, director of the energy policy council, executive director of the department of environmental quality, secretary of the state fair board, state geologist, commissioner of insurance, industrial commissioner, labor commissioner, director of the Iowa merit employment commission, director of the department of soil conservation, and superintendent of the transportation regulation authority.

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director

of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, and commissioner of public safety.

7. The following are range five positions: state comptroller, superintendent of public instruction, executive secretary of the state board of regents, director of the department of revenue, commissioner of social services, and director of the department of transportation.

Sec. 8. The salary rates established by the governor under sections 6 and 7 of this Act for the persons indicated are the total salary payable to the persons for whom established. Any other salary rates or adjustments to salaries provided for by this Act do not apply to the positions specified in section 7 of this Act; however, funds appropriated to the salary adjustment fund by this Act may be expended to fund salaries established pursuant to sections 6 and 7 of this Act if funds appropriated to the agencies represented by or employing the persons holding the positions specified in section 7 of this Act are insufficient to pay salaries provided for in section 7 of this Act. The governor shall report to the legislative fiscal committee the salary rates established pursuant to section 7 of this Act.

Sec. 9. Section 685.1, Code 1981, is amended to read as follows:

685.1 APPOINTMENT. The judges of the supreme court shall appoint a clerk of the supreme court who shall hold office for four years and until a successor is appointed and qualifies. The judges of the supreme court shall set the salary of the clerk of the supreme court which salary shall not be less than twenty twenty-one thousand six hundred or more than thirty thirty-two thousand four hundred dollars annually for the fiscal year beginning July 1, 1981, and not less than twenty-three thousand three hundred or more than thirty-five thousand dollars annually for the fiscal year beginning July 1, 1982, and subsequent fiscal years until

otherwise provided by the general assembly. In case a vacancy occurs, the vacancy shall be filled by appointment for the unexpired portion of the term only.

Sec. 10. Section 685.6, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The court shall fix the compensation of the administrator, deputy administrator, and research director and the employees of the office. The salary of the administrator, deputy administrator, and research director shall be set at a rate of not less than twenty-five twenty-seven thousand or more than thirty-five thirty-seven thousand eight hundred dollars annually for the fiscal year beginning July 1, 1981, and not less than twenty-nine thousand two hundred or more than forty thousand eight hundred dollars annually for the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly. The supreme court is authorized to accept federal funds to supplement the funds appropriated to the court.

Sec. 11. Section 685.7, code 1981, is amended to read as follows:

685.7 ASSISTANTS. The court administrator, with the approval of the supreme court, shall appoint and set the salaries of assistants as are necessary to perform the powers and duties vested in the court administrator. The salaries of the assistants, except the court fiscal director, shall be set at a rate of not less than fifteen sixteen thousand two hundred or more than twenty-five twenty-seven thousand dollars annually for the fiscal year beginning July 1, 1981, and not less than seventeen thousand five hundred or more than twenty-nine thousand two hundred dollars annually for the fiscal year beginning July 1, 1982, and subsequent fiscal years until otherwise provided by the general assembly. The court fiscal director shall receive a salary at a rate of not less than twenty twenty-one thousand six hundred dollars or more than thirty thirty-two thousand four hundred dollars for the fiscal year beginning July 1, 1981, and not less than

twenty-three thousand three hundred or more than thirty-five thousand dollars for the fiscal year beginning July 1, 1982 and subsequent fiscal years until otherwise provided by the general assembly. While holding the position, neither the court administrator nor assistants shall practice law in any of the courts of this state.

Sec. 12. The annual salary rates or ranges provided in sections 1, 2, 4, 7, 9, 10, and 11 of this Act become effective for the fiscal year beginning July 1, 1981, with the pay period beginning July 3, 1981, and for the fiscal year beginning July 1, 1982, with the pay period beginning July 2, 1982.

Sec. 13. All federal grants to and the federal receipts of the agencies affected by this Act which are received and may be expended for purposes of this Act, are appropriated for such purposes and as set forth in the federal grants or receipts.

Sec. 14.

1. There is appropriated from the general fund of the state to the salary adjustment fund provided for in section 8.43, for the fiscal years beginning July 1, 1981, and July 1, 1982, the following amounts or so much as may be necessary, to be distributed to the various departments to supplement other funds appropriated by the general assembly.

- a. For the fiscal year beginning July 1, 1981, \$43,839,000.
- b. For the fiscal year beginning July 1, 1982, \$86,999,000.

2. The amounts appropriated in subsection 1 shall be used to fund the following annual pay adjustments, expense reimbursement, and benefits not in conflict with the Code:

- a. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
- b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social service bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

e. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

f. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

g. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

h. The annual pay adjustments, related benefits, and expense reimbursements referred to in sections 19, 20, and 22 of this Act for employees not covered by a collective bargaining agreement.

Sec. 15.

1. There is appropriated from the road use tax fund of the state to the state department of transportation, for the fiscal years beginning July 1, 1981, and July 1, 1982, the following amounts or so much as may be necessary, to be distributed to supplement other funds appropriated by the general assembly:

- a. For the fiscal year beginning July 1, 1981, 6735,000.
- b. For the fiscal year beginning July 1, 1982, 61,465,000.

2. The amounts appropriated in subsection 1 shall be used to fund the following annual pay adjustments, expense reimbursement, and benefits for employees of the state department of transportation not in conflict with the Code:

- a. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
- b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.
- c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

e. The annual pay adjustments, related benefits, and expense reimbursement referred to in sections 19, 20, and 22 of this Act for employees not covered by a collective bargaining agreement.

Sec. 16.

1. There is appropriated from the primary road fund to the state department of transportation the following amounts for the fiscal years beginning July 1, 1981, and July 1, 1982, or so much thereof as may be necessary, to supplement other funds appropriated by the general assembly:

- a. For the fiscal year beginning July 1, 1981, \$7,224,000.
- b. For the fiscal year beginning July 1, 1982, \$13,780,000.

2. The amounts appropriated in subsection 1 shall be used to fund the following annual pay adjustments, expense reimbursement, and benefits for employees of the state department of transportation not in conflict with the Code:

a. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

b. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

c. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

d. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

e. The annual pay adjustments, related benefits, and expense reimbursement referred to in sections 19, 20, and 22 of this Act for employees not covered by a collective bargaining agreement.

Sec. 17. Funds appropriated from the general fund of the state in this Act relate only to salaries supported from general fund appropriations of the state.

Sec. 18. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental authorization is provided for those funds, unless otherwise provided, in an amount necessary to fund salary adjustments provided in this Act.

Sec. 19.

1. The merit system pay plan and executive council exempt pay plan provided for in section 19A.9, subsection 2, as they exist for the fiscal years ending June 30, 1981, and June 30, 1982, shall be increased for employees who are not included in a collective bargaining agreement made final under chapter 20 by eight percent for the fiscal year beginning July 1, 1981, effective with the pay period beginning July 3, 1981, and by eight percent for the fiscal year beginning July 1, 1982, effective with the pay period beginning July 2, 1982. The merit employment commission shall revise the merit system pay plan and the governor shall revise the executive council pay plan as provided under section 19A.9, subsection 2, by increasing the salary levels for the various grades and steps within the respective plans by eight percent.

2. The salary schedules for state employees who are exempt from chapter 19A and who are included in the state comptroller's centralized payroll system and the department of transportation payroll system and the office employees of the state board of regents shall be increased by the same percent and the same manner included in subsection 1 of this section.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this Act or set by the governor, employees designated under section 19A.3, subsection 6, and employees under the state board of regents' merit system, but subsection 2 of this section does apply to office employees of the state board of regents.

4. The appointing authority shall determine the percentage increase for each professional and managerial employee's salary provided for under this section and may increase the salaries of the professional and managerial employees by different percentages, but the total percentage increase of all salaries of the professional and managerial employees under the appointing authority's jurisdiction for the fiscal year beginning July 1, 1981, shall be eight percent of those salaries as they exist on July 2, 1981, and for the fiscal year beginning July 1, 1982, shall be eight percent of those salaries as they exist on July 1, 1982. As used in this section, "professional and managerial employee" means a professional employee as defined in section 20.3, subsection 11 or a representative of a public employer or supervisory employee as defined in section 20.4, subsection 2.

5. A within-range step increase (merit increase) shall not be granted to a state employee who is not included in a collective bargaining agreement made final under chapter 20 from the pay period beginning July 3, 1981, through the pay period ending June 30, 1983.

Sec. 20. The funds allocated to the state board of regents for the purpose of providing increases for employees not covered by a collective bargaining agreement shall be used as follows:

1. The amount necessary to fund in each fiscal year an average base salary increase of eight percent of base salaries of faculty members and professional and scientific staff members, except board office employees, paid during the preceding fiscal year, to be allocated to faculty members and professional and scientific staff members at the discretion of the state board of regents,

2. For employees under the state board of regents' merit system who are not included in the collective bargaining agreement made final under chapter 20, except board office employees, the amount necessary to increase the state board of regents' merit pay plan as the pay plan exists for the

fiscal years ending June 30, 1981, and June 30, 1982, by increasing the salary levels for each grade and step within the plan by eight percent for *the* fiscal year beginning July 1, 1981, and eight percent for the fiscal year beginning July 1, 1982.

3. A within-range step increase (merit increase) shall not be granted to an employee of the state board of regents who is not included in a collective bargaining agreement made final under chapter 20 for the biennial period beginning July 1, 1981 and ending June 30, 1983.

Sec. 21. All funds appropriated by this Act to the salary adjustment fund for the department of transportation and for the state agencies paid through the state comptroller's centralized payroll system shall be used to fund salary and fringe benefit expenditures for the following periods of time:

1. For fiscal year beginning July 1, 1981, beginning with the biweekly paydate of July 10, 1981, and ending with the biweekly paydate of June 25, 1982.

2. For fiscal year beginning July 1, 1982, beginning with the biweekly paydate of July 9, 1982, and ending with the biweekly paydate of June 24, 1983.

Sec. 22. Section 18.117, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A state officer or employee shall not use ~~any a~~ state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving ~~his-or-her own a privately owned~~ motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in ~~such that~~ case ~~he-or-she~~ the officer or employee shall receive ~~eighteen twenty-two cents~~ per mile effective July 1, ~~1979 1981~~, and ~~twenty twenty-four~~ cents per mile effective July 1, ~~1980 1982~~. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer ~~shall-be-constructed-to-fall~~ falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed

HF. 875

Sec. 24. It is a condition of the appropriations made in this Act that mileage expense reimbursement rates or payments shall not be negotiated or included in a proposed collective bargaining agreement under chapter 20 during the biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 25. Section 79.16, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

79.16 INTERVIEW AND MOVING EXPENSES.

1. If approved by the appointing authority, a person who interviews for employment by the state shall be reimbursed for expenses incurred in the interview at the same rate at which a state employee is reimbursed for expenses incurred during the performance of state business.

2. A state employee who is reassigned shall be reimbursed for moving expenses incurred in accordance with rules adopted by the state comptroller when all of the following circumstances exist:

a. The employee is reassigned at the direction of the appointing authority.

b. The reassignment constitutes a permanent change of duty station.

c. The reassignment requires the employee to change the place of personal residence beyond a reasonable commuting distance.

d. The reassignment is not primarily for the benefit or convenience of the employee.

3. If approved by the appointing authority, a person newly hired for a state position shall receive reimbursement for moving expenses incurred after the person is hired at the same rate provided for a state employee.

4. Reimbursement for moving expenses authorized under this section does not include reimbursement for the expense of moving animals.

Sec. 26. There is appropriated from the general fund of the state to the state comptroller for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983,

by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services and approved by the executive council. ~~When~~ if a state motor vehicle has been assigned to a state officer or employee ~~he or she~~, the officer or employee shall not collect mileage for the use of a personal privately owned vehicle unless the state vehicle assigned is not usable.

Sec. 23. Section 79.9, Code 1981, is amended to read as follows:

79.9 CHARGE FOR USE OF AUTOMOBILE. When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile ~~at~~ eighteen, as determined by the local governing body, in an amount not exceeding twenty-two cents per mile for actual and necessary travel effective July 1, 1979 1981, and twenty in an amount not exceeding twenty-four cents per mile effective July 1, 1980 1982. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee ~~shall be construed to fall~~ falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. ~~Any~~ A peace officer, other than a state officer or employee, as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section.

the following amounts to be allocated to the designated political subdivisions or public agencies for the purpose of providing the state's share of salary increases for the designated public employees:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. To the merged areas as defined in section 280A.2.....	\$ 3,320,000	\$ 6,803,000

The state comptroller shall allocate and distribute the funds appropriated by this subsection to each merged area in the same proportion that the merged area's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all merged areas for that fiscal year. Moneys received by a merged area under this subsection shall be used to pay the state's share of the authorized salary increases for the employees of the merged area for the designated fiscal years.

2. To the judicial district departments of correctional services as defined in section 905.2.....	\$ 597,000	\$ 1,222,000
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each judicial district department of correctional services in the same proportion that the judicial district department's annual payroll for its employees in the community-based correctional program for the fiscal year ending June 30, 1981 is to the annual payroll for community-based correctional program employees of all judicial district departments for that fiscal year. Moneys received by a judicial district department under this subsection shall be used to pay the state's share of the authorized salary increases for the employees of the community-based correctional program for the designated fiscal years.

3. To the seven regional libraries of the regional library system as defined in section

303B.2.....	\$ 100,000	\$ 100,000
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each regional library of the regional library system in the same proportion that the regional library's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all regional libraries in the regional library system for that fiscal year. Moneys received by a regional library under this subsection shall be used to pay the state's share of the authorized salary increases for the regional library employees for the designated fiscal years.

4. To the substance abuse treatment facilities receiving substance abuse program grants as provided in section 125.25.....	\$ 200,000	\$
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each local substance abuse treatment facility in the same proportion that the substance abuse treatment facility's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all local substance abuse treatment facilities receiving substance abuse program grants for that fiscal year. Moneys received by a local substance abuse facility under this subsection shall be used to pay the state's share of the authorized salary increases for the local substance abuse program employees for the designated fiscal years.

5. To local boards of health receiving in-home health care grants.....	\$ 230,000	\$ 471,000
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The state comptroller shall allocate and distribute the funds appropriated by this subsection to each local board of health in the same proportion that the payroll for its public health nurses employed to carry out in-home care services for the fiscal year ending June 30, 1981 is to the annual payroll for the public health nurses employed to carry

out in-home care ~~services~~ for all local boards of health for that fiscal year. ~~Moneys received~~ by a local board of health under this subsection shall be used to pay the state's share of the authorized salary increases for public health nurses employed in providing in-home care services.

Sec. 27.

1. There is appropriated from the general fund of the state to the municipal assistance fund established in chapter 405 for the fiscal years beginning July 1, 1981 and July 1, 1982, the following amounts or so much as may be necessary, to be distributed to cities which have established fire and police retirement systems under chapter 411:

- a. For the fiscal year beginning July 1, 1981, \$2,299,140.
- b. For the fiscal year beginning July 1, 1982, \$2,410,000.

2. The funds appropriated by subsection 1 shall be used to finance the costs of benefits provided in chapter 411 by amendments of Acts of the Sixty-sixth General Assembly, chapter 1089. The state comptroller shall pay to each city the amount of the funds appropriated for each fiscal year as provided in section 411.20.

3. The appropriation made under subsection 1 is in lieu of the appropriation authorized under section 411.20, unnumbered paragraph 1. Section 411.20, unnumbered paragraph 1 is void during the fiscal biennium beginning July 1, 1981 and ending June 30, 1983.

Sec. 28.

1. There is appropriated from the general fund of the state to the state comptroller for each fiscal year of the biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts to be allocated to the counties for the purpose of providing average pay increases of not more than eight percent to the full-time shorthand reporters of the district courts:

- a. For the fiscal year beginning July 1, 1981, \$102,137.
 - b. For the fiscal year beginning July 1, 1982, 8209,668.
2. The state comptroller shall allocate and distribute

the amount to each county in the same proportion that the county's annual Payroll for full-time shorthand reporters for the fiscal year ending June 30, 1981 is to the annual payroll for full-time shorthand reporters for all counties for that fiscal year. Moneys received by a county under this section shall be deposited in the fund for ordinary county revenue under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 423 or in the court expense fund under Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 425, subsection 9, as applicable.

Sec. 29. Section 605.8, Code 1981, is amended to read as follows:

605.8 COMPENSATION.

1. Each full-time shorthand reporter of the district court shall be paid, in equal installments, an annual salary as ~~hereinafter-provided~~ established by the supreme court based on the reporter's experience and within the salary ranges specified in this subsection.

a. For the fiscal year beginning July 1, 1981, a full-time shorthand reporter shall receive a salary of not less than fifteen thousand four hundred fifty (15,450) dollars or more than twenty-three thousand nine hundred fifty (23,950) dollars.

b. For the fiscal year beginning July 1, 1982, a full-time shorthand reporter shall receive a salary of not less than fifteen thousand four hundred fifty (15,450) dollars or more than twenty-five thousand eight hundred fifty (25,850) dollars.

The salary increases authorized under the subsection is effective on the employment anniversary of the reporter.

2. Each district judge, upon the appointment of a full-time shorthand reporter, shall certify the name and address of the reporter and the date upon which ~~his~~ the reporter's term of service begins, to each county auditor in the judicial district.

~~The base starting salary of a full-time certified shorthand reporter shall be fourteen thousand seven hundred dollars. The base salary may be increased by an amount not to exceed seven percent for each year of experience as a shorthand reporter. The maximum salary shall not exceed twenty one thousand one hundred twenty one dollars except as provided in this section.~~

3. Shorthand reporters who are employed on an emergency basis in the district court shall be paid not to exceed seventy-five dollars per diem while employed by the court or while employed under the direction of the judge. The per diem shall be paid from the county treasury where the court is held, upon the certificate of the judge holding the court, or directing the employment. However, the maximum compensation for one-day attendance at court shall not exceed the per diem. Payments shall be made at least once each month.

4. Full-time certified shorthand reporters serving district associate judges shall be are entitled to receive the same compensation they would be entitled to receive if they were serving district court judges.

~~Notwithstanding the provisions of this section, full-time certified shorthand reporters may, by joint order of the district court judges in such district, be individually granted additional compensation in excess of the amounts provided for in this section, not to exceed five percent of such amounts.~~

Shorthand reporters ~~will~~ shall receive such the compensation as fixed by rule of the supreme court or by statute for transcribing their notes pursuant to section 605.11, ~~Code 1977~~, but shall not work on outside depositions during the hours for which the reporters are compensated pursuant to ~~this section of said Code 605.11.~~

Sec. 30. Section 605.10, Code 1981, is amended to read as follows:

605.10 EXPENSES. Where a shorthand court reporter is required, in the discharge of ~~his~~ official duties, to leave

the county of ~~his~~ the reporter's residence or leave the city of ~~his~~ the reporter's residence to perform such duties, ~~ha~~ the reporter shall be paid ~~hie~~ the reporter's actual and necessary hotel and living expenses not to exceed the ~~sum~~ of twenty dollars per day maximum reimbursements authorized for a state employee by the state comptroller and transportation expenses as ~~shall be~~ incurred, which account shall be itemized and approved by the presiding judge of the district court and certified to the county auditor of the county in which ~~such the~~ expenses are incurred, and shall be paid in the same manner as the per diem of ~~such the~~ reporter is paid.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as Eouse File 875, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

June 19, 1981

cc: [unclear]

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear **Madam** Secretary:

I hereby transmit House File 875, an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, making coordinating amendments to the Code, and appropriating funds.

House File 875 is approved June 19, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 24 which **reads** as follows:

Sec. 24. It is a condition of the appropriations made in this Act that mileage expense reimbursement rates or payments shall not be negotiated or included in a proposed collective bargaining agreement under chapter 20 during the biennium beginning July 1, 1981 and ending June 30, 1983.

This action is made necessary for two reasons:

- It is inappropriate to make this substantive change in Iowa's collective bargaining law in an appropriations bill.
- This restriction creates legal and practical difficulties for the state's collective bargaining agents.

Chapter 20 of the Iowa Code establishes a collective bargaining system for state government. This system received a great deal of public scrutiny and legislative debate prior to its being passed into law. The scope of those negotiations, listed in Section 20.9 of the Code of Iowa, received considerable attention by lawmakers and the mileage reimbursement was decided to be a negotiable item in a collective bargaining agreement.

The Honorable Mary Jane Odell

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June 19, 1981

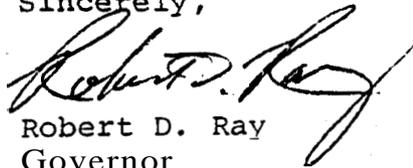
While it is certainly the prerogative of the General Assembly to reassess the list of items subject to negotiation, it would be far more proper to conduct that reassessment in a bill designed to statutorily amend Chapter 20. In that way, the change would receive the full public debate and focus of attention it deserves. Section 24 is dwarfed in a lengthy and important appropriations bill and received scant review by the public and legislators as it received only perfunctory debate during the closing hours of the session.

Moreover, this section gives confusing signals to those engaged in collective bargaining with public employees. Since the restriction is in the session laws, it expires after two years. Thus, despite its wording which prohibits both the negotiation of mileage reimbursement and the inclusion of such in the next collective bargaining agreement, this section would legally expire by the time the next collective bargaining takes effect. The collective bargaining agent would be put into an untenable legal and practical position: include mileage reimbursement in the negotiations and violate the session laws; or avoid including mileage reimbursement in the agreement despite the fact that there will be no restriction on doing so at the time the agreement is put into effect.

Therefore, it would have been far more appropriate for the General Assembly to reassess the allowed negotiable items of a collective bargaining agreement in a nonappropriations bill. That would have ensured full public debate of the item and the result would have established a clear policy for our collective bargaining agents. The General Assembly's failure to do this is cause for my item veto of Section 24.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 875 are hereby approved as of this date.

Sincerely,



Robert D. Ray
Governor

RDR: cg

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 878

1. 4. 4

AN ACT

TO REFORM THE SCHEDULE OF ASSESSMENT, LEVY, AND COLLECTION OF TAXES BY A SPECIAL CHARTER CITY TO THE SCHEDULE OF ASSESSMENT, LEVY, AND COLLECTION OF TAXES OF ALL OTHER POLITICAL SUBDIVISIONS OF THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 441.21, subsection 11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

It is the intent of the general assembly that any special charter city which does not conform with regard to the assessment and tax collection schedule to the assessment and tax collection schedule followed by all other political subdivisions of the state shall take such action as is necessary to reform its assessment and tax collection schedule to the assessment and tax collection schedule followed by the other political subdivisions of the state ~~by not later than for assessments beginning January 1, 1980.~~ The reform shall be implemented by submission of a compliance plan to the state comptroller for approval by September 30, 1981. The plan shall provide detailed schedules and procedures for the levy of taxes based on the 1981 assessment, payable in two installments in the fiscal year commencing July 1, 1982 and ending June 30, 1983, in accordance with sections 415.36 and 445.37. In the alternative, the spacial charter city may provide for the levy of taxes based upon the 1981 assessment, payable in two installments in an extended fiscal year commencing April 1, 1982 and ending June 30, 1983, in accordance with sections 445.36 and 445.37. Upon approval by the state comptroller and implementation, the provisions of law granting special provisions for assessment, levy, and

collection of taxes by a special charter city shall not apply and the provisions for assessment, levy, and collection of taxes for all other Political subdivisions of the state shall be applicable to special charter cities.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the Rouse and is known as Rouse File 878, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

H.F. 878